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ABSTRACT

This document presents witness testimonies and prepared statements from the Congressional hearing called to examine the issue of antigay violence. In his opening statement, Representative John Conyers, Jr. presents statistics which attest to a rise in antigay violence since the murders of San Francisco Mayor George Moscone and City Supervisor Harvey Milk in 1979. He notes that there are currently no federal statutes which specifically prohibit antigay violence and stresses the need for this hearing to examine the level of violence being directed toward homosexuals and to determine what needs to be done about it. Witnesses providing testimony include: (1) Kevin Berrill, National Gay and Lesbian Task Force; (2) Diana Christensen, Community United Against Violence; (3) David Wertheimer, New York City Gay and Lesbian Anti-Violence Project; (4) Gregory M. Herek, American Psychological Association; (5) Jacqueline Schafer, liaison to the gay community for the district attorney for the County of New York; (6) Robert Johnston, Jr., New York City Police Chief; and (7) Joyce Hunter, Institute for the Protection of Lesbian and Gay Youth. Kathleen Sarris, Robert Gravel, and William Hassell describe violence directed against them because of their homosexuality. Witnesses cite studies of antigay violence, give case examples of violence against homosexuals, and make recommendations to the federal government concerning a response to the problem. Relevant materials consisting of prepared statements, letters, and a news article are appended. (NB)

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ANTI-GAY VIOLENCE

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

ON

ANTI-GAY VIOLENCE

OCTOBER 9, 1986

Serial No. 132

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ANTIGAY VIOLENCE

THURSDAY, OCTOBER 9, 1986

House of Representatives,
Subcommittee on Criminal Justice,
Committee on the Judiciary,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Berman, Bryant, and Coble.

Also present: Representative Frank.

Staff present: Thomas W. Hutchison, counsel; Ronald A. Stroman, assistant counsel; Raymond V. Smietanka, associate counsel; and Bennie B. Williams, clerk.

Mr. **Conyers**. The subcommittee will come to order.

Today, the Criminal Justice Subcommittee will conduct its first oversight hearing on antigay violence. I want to thank my colleagues, Howard Berman and Barney Frank, for helping to bring this matter to the attention of the subcommittee. Antigay violence has become a national issue since 1979, with the murders of San Francisco Mayor George Moscone and City Supervisor Harvey Milk.

Their deaths symbolized the growing political strength of the gay community, as well as the hostility directed toward them, which became more prominent as a result of political empowerment.

Since that time, we have witnessed a rising tide of antigay violence. The National Gay and Lesbian Task Force, in an 8 city study of antigay violence concluded that 1 in 5 gay men and 1 in 10 lesbians had been physically assaulted because of their sexual orientation.

The Community United Against Violence in San Francisco reports that the victims of antigay violence it served in 1985 increased 61 percent over the previous year. In New York City, the Gay and Lesbian Anti-Violence project reported a 41-percent increase in the number of victims it served in 1985 over the previous year, and a 91-percent increase during the first months of this year.

These statistics are even more disturbing since much of the antigay violence goes unreported. A 1982 survey of victims of violent crimes in San Francisco showed that 82 percent of antigay attacks were not reported to the police. A 1985 survey of antigay violence in Philadelphia revealed that 76 percent of the victims never notified the authorities.

Local law enforcement response to antigay violence has been terrible. Some areas are trying to do a better job in responding to this violence. Most areas, however, appear to treat the issue as insignificant at best, and at worse, blame the victims for bringing the violence on themselves.

Federal civil rights laws do not make any reference to coverage of this kind of violence. Since there are no Federal statutes which specifically prohibit antigay violence, Federal law enforcement efforts have been virtually nonexistent. So, it is in this environment that the Criminal Justice Subcommittee operates. We find it very important to inquire into the level of violence being directed toward this group of citizens, and to determine what needs to be done about it.

The subject did arise in the course of hearings on police brutality in New York in 1983, where we heard from some of the witnesses testifying here today. We are delighted to start off our first panel with Dr. Gregory Herek, David Wertheimer, Diana Christensen, and Kevin Berrill, director of the Violence Project of the National Gay and Lesbian Task Force in Washington, DC, who has testified before this committee in other places.

We welcome you, Mr. Berrill. We thank everyone for preparing their statements, and those prepared statements will without objection, be included in our hearing record.

Mr. Berrill, you may begin.

TESTIMONY OF KEVIN BERRILL, DIRECTOR, VIOLENCE PROJECT, NATIONAL GAY AND LESBIAN TASK FORCE, WASHINGTON DC; DIANA CHRISTENSEN, EXECUTIVE DIRECTOR, COMMUNITY UNITED AGAINST VIOLENCE, SAN FRANCISCO, CA; DAVID WERTHEIMER, EXECUTIVE DIRECTOR, NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT, NEW YORK, NY; DR. GREGORY M. HEREK, ON BEHALF OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION, WASHINGTON, DC

Mr. **Berrill**. Thank you.

Mr. Chairman, as director of the Violence Project for the National Gay and Lesbian Task Force, I am happy to be here today.

NGLTF is America's oldest and largest national gay civil rights organization. We thank you for holding this historic hearing today to examine an alarming and much-overlooked problem facing gay and lesbian Americans.

As you know, the gay community is battling AIDS, one of the deadliest epidemics in recent history. But we are also battling a second epidemic, one that has received far less attention by our public officials. That epidemic, Mr. Chairman, is antigay violence.

It, too, can be deadly. For many who survive, it leaves physical and emotional scars that will never fade. It has been around long before AIDS, but there is disturbing evidence that the AIDS and antigay violence epidemics may now be following the same menacing curve. For, inasmuch as AIDS has spread, so has the fear and hatred that spawns violence. Sadly, our Government's answer to antigay violence is similar to its initial response to the AIDS epidemic: It is viewed as just a gay problem and therefore not of concern to all society.

What is antigay violence? What are its causes? We define it as any violence directed against persons because they are gay or lesbian or perceived to be so. It is motivated by hatred and by the perception that gay people are "easy targets."

Given widespread ignorance about the magnitude of the problem, the National Gay and Lesbian Task Force undertook a study involving nearly 2,100 respondents nationwide.[1] The results were staggering: More than 1 in 5 gay men and nearly 1 in 10 lesbians had been physically assaulted because of their sexual orientation.

More than 40 percent had been threatened with violence. Overall, more than 90 percent had experienced some type of victimization. All this simply for being gay or lesbian. We found that antigay violence occurred not only on the street, but also in our schools and even in our homes.

Despite its limitations, our study has been widely praised by sociologists and criminologists. Our findings have been confirmed by local and State studies, which have shown similar high rates of harassment and violence. Four are compared on the chart to my right.

One[2] study in Philadelphia concluded that gay people in that city were four times more likely to be victims of violent crimes than persons in the general urban population.

The toll of antigay violence cannot be measured solely in terms of these statistics. These numbers do not measure the anguish, fear and loss experienced by Dee, who is still recovering from burns caused by acid thrown at her face when she was leaving the Los Angeles Gay Community Center.

Or by Robert from New Jersey, where assailants beat him, extinguished cigarettes in his face, and then tied him to the back of a truck, dragging him in tow.

Or by the family and friends of Charlie Howard of Maine, who was thrown off a bridge to his death by three teenagers. Or by the members of a Gay Christian congregation in Jacksonville, FL, whose church was twice set on fire in just 1 year. Attacks against that church became so frequent that bullet-proof windows had to be installed.

The nightmare for antigay violence victims does not end when their assailants have finished with them. Those few who are brave enough to step forward are often revictimized by the very agencies responsible for protecting and helping them. All too often, the police and criminal justice system blame gay victims, and fail to vigorously investigate, prosecute and punish antigay crimes.

A few law enforcement agencies represented here today have taken positive steps to remedy this situation, but they are the exception rather than the norm.

This administration has taken a strong stand against international terrorism, both in word and in deed. Why is it that so little is said, let alone done, about terrorism within our borders, terrorism against not only the gay community, but also people of color, Jews, recent immigrants and abortion clinics?

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[1] Editor's Note.—Antigay Victimization, a study by the National Gay Task Force (June 1984).

[2] Editor's Note.—Antigay Victimization, a report by the Philadelphia Lesbian and Gay Task Force (1985).

In recent years, the National Gay and Lesbian Task Force has appealed to a variety of Federal agencies, and yet little has been done to study or remedy this problem. Indeed, one Justice Department office has actually sought to curb efforts by its grant recipients to address the needs of gay crime victims.

With a few exceptions, the local and State response is hardly more encouraging. A few local programs that assist gay and lesbian victims have received public support; two are represented here today. But in most communities, this issue is ignored.

While the official response to antigay violence has been disappointing thus far, we still believe that our Government has the capacity to respond in a compassionate and effective way to this problem. In order to foster such a response, NGLTF makes the following recommendations, which I will briefly summarize:

First, we call on Federal, State and local government to initiate studies of antigay violence, as no official research has been as yet conducted on this problem.

Second, NGLTF recommends tougher laws to combat antigay violence. We urge that Congress pass legislation that would clarify the scope of Federal civil rights statutes so that they clearly protect the full range of groups in this country subjected to acts of violence because of their status. In the event that local authorities fail to prosecute antigay violence, we must be able to rely on Federal prosecution and the allowance of a private civil cause of action.

Third, we recommend official monitoring of antigay incidents and other hate crimes. Presently, there is a bill, H.R. 2455, which has passed the House and is pending in the Senate, that would mandate the collection of statistics on crimes motivated by racial and religious prejudice. We urge its passage and ask Congress to enact legislation that would require the collection of data on antigay crimes.

Fourth, NGLTF calls for improved police-gay community relations, and establishment of programs similar to those undertaken by the police departments represented here today.

Fifth, we urge that gay and lesbian crime victims receive adequate services. We commend the Reagan administration and the Congress for promoting rights and services for crime victims. But the rising tide has not raised all boats. By encouraging sensitivity to gay people and other neglected victim populations, the Office of Justice Programs could make a critical difference in the way these victims are treated. For its part, the Congress should oppose efforts to cut the Victims of Crime Act and the Justice Assistance Act, both of which support the necessary work of victim service organizations.

Sixth, we call for educational programs in our schools, churches and communities to combat the prejudice that leads to violence. All citizens, especially young people, need to understand that victimizing gay and lesbian people is illegal, immoral and intolerable in our society.

Finally, we urge repeal of all sodomy laws, and call for passage of legislation prohibiting discrimination on the basis of sexual orientation. The Supreme Court's decision upholding Georgia's sodomy law is a legal and moral disgrace, and triggered a wave of harassment against gay people here in Washington, and elsewhere. These laws are a crime and should be repealed.

Without civil rights, victims of antigay violence cannot report attacks against them without risking their jobs, homes, even their lives. By permitting discrimination, the Federal Government actually facilitates violence against gay people by inhibiting them from reporting to the police and seeking legal redress.

Mr. Chairman, we thank you and other Representatives who have cosponsored H.R. 230, which would extend the 1964 Civil Rights Act to prohibit discrimination on the basis of sexual orientation.

In closing, I would like to point out that many of the witnesses at this hearing will be wearing a pink triangle, which was the badge that identified homosexual inmates of Nazi concentration camps. Although it is an often overlooked fact, tens of thousands of gay persons were herded into the camps and, along with Jews, gypsies and others, were gassed and incinerated. We wear the triangle to remember them and to remind all people of the terrible cost of bigotry.

Once again, we are grateful that this hearing has come to pass, and hope that it will help to lift the siege under which lesbian and gay Americans must live.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much.

Our next witness is the executive director of the Community United Against Violence in San Francisco, Mrs. Diana Christensen. Welcome to the subcommittee.

Ms. CHRISTENSEN. Chairman Conyers, I am Diana Christensen, the executive director of Community United Against Violence [CUAV], the oldest and largest direct service program for victims of antigay violence in the United States.

In spirit, the thousands of victims of antigay violence who have come to CUAV for help over the years, the ones who lived through their attacks, they are here with us in spirit today.

Imagine hundreds of CUAV volunteers who collectively spent over 25,000 hours last year to develop solutions to this epidemic of violence. These are volunteers that demonstrate the term "self-help" and who, over years of societal ignorance and denial of antigay violence, are responsible for creating a response to antigay violence, thereby making the gay community a self-help community. Imagine the volunteers of CUAV here in spirit today.

And behind me, please note the people of the city of San Francisco. These are people who know all too well that antigay violence is a communitywide problem. These are people like Liam "X," who know that the victims of antigay violence are those who are perceived to be gay or lesbian by the assailant(s).

Liam "X" knows all too well that this is true. He is a young heterosexual man who happened to be going home from work on the bus one day when he was called a faggot and severely beaten.

Liam has had successive surgeries on his back and will forever have back problems because of this attack. In spirit, the people of San Francisco who understand that antigay violence is a societal problem, not just a gay problem, are here today.

Chairman Conyers, on behalf of the victims of antigay violence in San Francisco, CUAV's hundreds of volunteers, and the people in the city of San Francisco, I want to thank you for holding these hearings. For listening to our stories and requests for your help in finding solutions.

Finally, I would like to thank you in advance for continuing to take action. For surely, when you learn today that Americans, in American communities are being physically targeted for acts of violent crimes and that they have no place to go for help, you will feel compelled to act against this domestic terrorism.

Antigay violence is an historical fact that has at best been ignored and at best encouraged in Western society, from the burnings of lesbians and "faggots" at the stake in the Middle Ages to the killings of individuals like John O'Connell on the streets of San Francisco in our own time.

Attacks run the range from simple battery to murder. Harassment in the form of police abuse, shoddy or no prosecution, and government inaction compound the problem. Life, liberty, and the pursuit of happiness are not inalienable rights for lesbians and gay men in America. We live fearing for our lives.

Organized in 1979 in response to a rising wave of antigay violence in San Francisco, Community United Against Violence is the oldest organized response from the lesbian and gay community to the problem of antigay violence.

CUAV's support is the exception rather than the norm in the United States. The organization has a staff of 7, 500 volunteers, and is funded by grants from both the city of San Francisco and the United Way of the Bay Area. It is a victim services organization that has records irrefutably demonstrating that the "hidden" crime of antigay violence against lesbians and gay men not only exists, it is getting worse.

Since 1984, CUAV has dealt with over 800 victims involved in over 600 incidents of antigay violence. And this is only the tip of the iceberg. Most incidents of antigay violence go unreported for fear of reprisal or simply from historic mistrust on the part of lesbians and gay men of the criminal or judicial systems.

In 1983, the mayor's office of San Francisco conducted a study, "The Mayor's Survey of Victims of Personal Crime," that concluded that 82 percent of the victims of antigay violence did not report their assault to the police.

CUAV's records show a 50-percent increase in the number of incidents of antigay violence from 1984 to 1985. 35 percent of all incidents involve the use of weapons. 35 percent of all victims require medical attention resulting from antigay attacks.

Of those requesting medical attention, half require hospitalization and/or surgery. We are not talking about name-calling. We are talking about physical abuse: Stabbings, beatings, broken bones, slashed faces. In some cases, we are talking about murder.

In John O'Connell's case it was murder. John O'Connell placed a pot pie in the oven that warm summer evening. He wasn't planning to be out long. He met his friend Andy in a bar for a quick drink and then they began to walk back to John's apartment.

On the way home, four young teens from Vallejo attacked John and Andy. In the trial later on, we found out that the teens came to San Francisco specifically to beat up gay people. One of the assailants later stated that they attacked John because he was a homosexual and that homosexuality is wrong. It was as though this young man had never considered that violence is wrong.

The same group of teens were involved in three other violent incidents that night. They used antigay epithets in each attack, although not all of the victims were gay. The outcome of it all is that John O'Connell is dead. His friend Andy continues to require psychological counseling. Four young people are spending 15 years to life in California prisons.

Most victims of antigay violence in San Francisco are white, male, and in their late twenties. Most assailants are white, male, and under 20 years of age. The majority of incidents involve more than one assailant with an average assailant-to-victim ratio of 3 to 1.

The notion that gay men "provoke" their assailants is entirely unfounded. It is difficult to conceive of an individual provoking a gang of 10 youths with his back to them.

Russell "X" was attacked by a group of five high school students directly in front of his own home. Each of Russell's attackers played team sports for their Catholic high school. Good all-American kids.

Russell stated later that the last thing he remembered before losing consciousness was that he recognized he was in the midst of a fight for his life. Although he has undergone multiple surgeries on his arm, he will never fully regain movement. As a typesetter by profession, he will never be able to work to the extent that he did before the attack.

Not all of the victims of antigay violence are men. It is sometimes difficult in cases of a personal attack against a lesbian to determine whether or not the attack is antigay or whether it is antiwoman.

Barbara "X" knew from the epithets that her attack was antigay. The assailant saw her walking on the street at about 7 p.m. He began by calling her names. He then hit her repeatedly in the chest and face.

Barbara's attacker picked up the lid of a garbage can that was laying nearby and began beating her with it. The screams of three witnesses ultimately caused the attacker to leave. Still, even after the assailant was later identified, the three witnesses, presumably out of fear, refused to make statements to the police.

Is the increase in antigay violence an indicator of an AIDS-related backlash? Logically, we can assume that the public hysteria over AIDS aggravates homophobic violence, but we can't say that it causes antigay violence.

At this point, I believe that AIDS and homosexuality have become synonymous in the American public's mind. For the homophobic mind, AIDS is simply another justification for violence.

David "X" was told, "You faggots are killing us with AIDS," as he was walking with his groceries through the supermarket parking lot. He was pushed, bashed in the head with a chain, kicked and beaten to the ground with a skateboard. The grocery store manager originally refused to call the police or an ambulance.

David's jaw was broken in the attack and he had to have it wired shut for several months in order for it to heal.

I want to make several recommendations, given the severity of the problem. One is that we need to recognize antigay violence as a crime. It is as basic as that.

Inclusion of lesbians and gay men in legislation protecting citizens from "hate crimes."

Education of the public, and particularly youth, on homophobia as an existing and unacceptable form of bigotry.

Training of police and other law enforcement officials on extent, severity, and unacceptability of antigay violence, as well as on proper procedures to assist victims.

Allocate funding for services to victims of antigay violence.

Oppose cuts to the Victim of Crime Act funding.

Again, I want to thank you for holding this hearing.

Mr. Conyers. Thank you for an excellent statement. The Chair notes the arrival of the gentleman from Massachusetts, Mr. Barney Frank. I would yield to him now.

Mr. Frank. Thank you, Mr. Chairman. I apologize for my lateness. Last-minute business has us all going. I wanted to thank you very much for having this hearing. People who work here understand how hectic these last few weeks are, and your willingness to accommodate this very important subject is very much appreciated by us and others, particularly since it is a subject that is both important and one that some people, including some people around this place, try to avoid, so I am especially grateful for your willingness, and to your staff, I know it is an extra workload at a difficult time.

We had some scheduling difficulties because of markups and things, so with all that going on, I am very appreciative and it is very consistent with your record as a strong supporter of minorities who are threatened.

That is an important point that gets across, the role of the Government ought to be to protect minorities who are made vulnerable because of prejudice, whatever the source. That is a role the Federal Government has had to play in the past, based on race, religion, and it is our job to look and see whether that is again appropriate, because there may well be failure of officials to perform their responsibilities.

You have been a real leader in that area, so I am very, very grateful to you for this hearing.

Mr. Conyers. Well, thank you. We work together on all these problems, civil rights, civil liberties, civil justice, wherever it needs to be corrected or addressed, and I am glad you are here.

Our next witness is the executive director of the New York City Gay and Lesbian Anti-Violence project. We are delighted to welcome David Wertheimer.

Mr. Wertheimer. Mr. Chairman, Mr. Frank, friends, I am delighted to be here. Thank you very much. I am delighted that these hearings are taking place. I have submitted 20 pages of written testimony to the committee.

I will not read the 20 pages in their entirety, but I would like to highlight and summarize some of the material that has been presented to you today.

My name is David Wertheimer, and I am the executive director of the New York City Gay and Lesbian Anti-Violence Project, Inc. I have training in theology from Yale, and a degree in social work from the University of Connecticut; I am licensed as a social worker by the State of New York.

Established in 1980, the antiviolence project is an incorporated, nonprofit social service agency providing counseling, advocacy and support services to lesbian and gay survivors of homophobic violence, sexual assault, domestic violence and other types of criminal victimization.

The project also engages in educational activities targeted to the lesbian and gay communities and the criminal justice system; through these activities the antiviolence project seeks to alert individuals to the problem of antigay and antilesbian violence and to facilitate an informed and sensitive response to lesbians and gay men from the police, courts and victim service providers.

The antiviolence project grew out of a grassroots effort by lesbians and gay men to address the issue of violence directed against them. The project began in New York in may of 1980. Following a series of antigay attacks a hotline was set up to convey information to the police and assist victims. Quite rapidly, that hotline started getting calls from all over New York City. We realized the problem of antigay violence is a five-borough phenomenon; it happens everywhere where gay people are, which is everywhere in New York City.

In 1983, the project incorporated as a city-wide, nonprofit service provider and our statistics began to mushroom. Between 1984 and 1985, our caseload for direct service cases increased 41 percent.

I thought that was a lot. Then we did our statistics for the first half of 1986, the first 7 months of 1986; we have experienced a 91-percent increase in our direct service caseload, which means that at the present time we are documenting between 40 and 60 new cases each month of lesbians and gay men who have been victimized.

This caseload is just scratching the surface. We have a lot of work still ahead of us in terms of outreach, because most of these crimes are never reported to anyone.

Antigay violence in New York City takes six different forms, as we have experienced it. The first form of antigay and antilesbian violence is harassment, verbal harassment. On the street, at the job, in a supermarket, wherever, someone may be verbally attacked by someone else, because they are perceived to be lesbian or gay.

The second form is menacing, threatening behavior, whereby someone may be almost sideswiped by a car, or followed by someone carrying a baseball bat, or threatened with guns, knives, and other menacing behavior.

The third form is homophobic assault, usually verbal harassment and menacing that escalates into physical contact between an assailant and a victim.

The fourth form of antigay and antilesbian violence is a fairly new category, antigay and lesbian violence that is AIDS-related violence, that is violence that may begin with verbal and menacing acts that are specifically related to AIDS. For example someone might start an attack by saying, "I hate faggots. You faggots give us AIDS." Or a lesbian might find notes on her door saying "Lesbians, dykes, you give us AIDS. Get out of the building."

In 1985, 28 percent of the antiviolence caseload involved antigay and antilesbian violence that was AIDS-related. There was a particularly noteworthy increase in this particular type of violence in the late summer and early fall of last year. We correlate this directly to the media attention that surrounded the opening of the schools in Queens, where there was a child with AIDS in the school system, and the accompanying AIDS-related headlines screaming across the tabloids almost every day in New York City. This increase in cases also correlates to the death of Rock Hudson. There were several weeks in the fall of 1985 when more than 50 percent of the cases coming in in a given week were specifically AIDS-related violence.

The fifth form of antigay antilesbian violence is sexual assault, rape. Rape of lesbians by straight men who want to "fix them," "cure them," "make them straight," and also surprisingly, or perhaps not so, rape of gay men by straight men. Rape is a crime of violence, domination, a crime of humiliation, and frequently, gay men find themselves being attacked sexually by straight men.

The sixth and final form of antigay and antilesbian violence is homicide, the murder of lesbians and gay men because of who they are. In 1985, we assisted the police and were involved with seven antigay homicides for the year, and so far, up to a week ago this past Wednesday, this year—1986—we have been involved in 15 such homicides, 15 gay men who were murdered because they were gay.

The antiviolence project has tried to respond to the problem of antigay and antilesbian violence in a variety of different ways. We offer direct services, mostly utilizing volunteers from the community who provide crisis intervention counseling immediately after an assault, ongoing supportive counseling, and advocacy.

Our counselors will go with crime victims to the police, to help them make reports of incidents. We also offer a court monitoring program whereby our volunteers track the progress of cases through the criminal court system, providing emotional support for victims when they have to go in to testify and face their assailants.

We interact on a regular basis with the police in New York City. This is difficult work. Throughout the country, the gay community has a fairly unique relationship to the police. Prior to 1981 in New York City—when the sodomy statutes were repealed—the police were the law enforcement agency that was naturally assigned the responsibility of enforcing the sodomy statutes, which were often used to persecute lesbians and gay men. In 25 States, and here in the District of Columbia, these laws are still on the books. In these places there is by nature an adversarial relationship between the gay community and the police which has led to a fear of the police by gay people. This fear still lingers in New York, even though the sodomy statutes have been ruled unconstitutional in that State.

It is our estimate that 80 percent of the lesbians and gay men who are attacked never report the crime to anyone. We have worked hard in New York City to improve the relationship between the gay community and the police, and it is improving dramatically, and we have a model program in some ways.

Robert Johnston, chief of the New York City Police Department, will be testifying later. I would like at this time to identify three ways in which interaction between the gay community and the police has proved productive.

The first way is interaction at the local precinct level, where we enter precincts on a regular basis to dialog with those officers who are working patrols on the street. The second way is through the command level of the police department. Through the mayor's police council mayorally appointed representatives of the gay community and the police department meet with Chief Robert Johnston on a monthly basis to address specific concerns in the lesbian and gay community.

The third method of interaction is through the police department bias unit. Initially established to investigate crimes motivated by racial, ethnic, and religious bigotry in July 1985, its role may expand to address antigay and antilesbian bias crimes. We work very closely with this unit on cases.

The same problem with the court system existed in New York City, when the sodomy statutes were on the books, and the courts were another vehicle used to persecute lesbians and gay men. The system remains hostile to all victims and unsympathetic at times, as there is a general tendency to blame victims for what happens to them. We have tried to intervene on a case-by-case basis, sending volunteer court monitors the people into the court system to provide emotional support and advocate for victims with the criminal justice authorities.

That has led to formally structured relationships over time with specific representatives within the district attorney's offices of the five boroughs, and there is at this point in time a designated full-time liaison from the Manhattan District Attorney's Office. This is an example of a fruitful response to the ongoing interaction we have had with the criminal justice system, and an extremely valuable resource.

Finally, in summary, I would like to thank the subcommittee for the opportunity to testify and make two recommendations for what the committee might consider doing on a national level.

First of all, I would encourage advocacy on behalf of the national gay and lesbian rights bill that has been before the Congress for a number of years. In terms of antigay and antilesbian violence, this is a very important piece of legislation. A statement from the Congress of the United States saying that people should not be discriminated against because they are gay or lesbian will enable more people to come forward when they are attacked.

More people will be willing to seek help if they know that as a result of disclosing what is happening to them, they won't lose their jobs, homes or access to public services. Such legislation and it will also send a clear message to America that antigay and antilesbian behavior and acts of violence are distinctly un-American.

Second, I would recommend that the subcommittee that they enhance the process that has begun today, continue it by sponsoring research on a national basis, on antigay and antilesbian violence by holding regional hearing like this one throughout the country to hear from people about what is happening in their area.

Such hearings and research might lead to concrete proposals which could lead to legislative action, which could lead to interventions for enhanced programming, services and an improved response, overall response from the Federal Government to the epidemic of antigay and antilesbian violence that we are facing today.

Thank you very much.

Mr. CONYERS. Thank you very much.

Now we have, on behalf of the American Psychological Association, Dr. Gregory Herek.

Welcome.

Mr. HEREK. Thank you, Mr. Chairman, Mr. Frank.

I am Dr. Gregory M. Herek, assistant professor of psychology at the Graduate Center of the City University of New York. I have conducted extensive empirical research on the social psychological bases of hostility toward lesbians and gay men, and I am also a member of the American Psychological Association's [APA] Committee on Lesbian and Gay Concerns. I am pleased to testify today on behalf of the APA's 87,000 members on the subject of violence against lesbians and gay men.

Since 1974, the APA has been strongly committed to removing the stigma that has long been associated with homosexual orientations in our society, and to eradicating discrimination against lesbians and gay men. Our view is that, aside from the gender of their life partners, lesbians and gay men are not fundamentally different from heterosexual women and men. They are as capable as heterosexuals of leading normal, well-adjusted, happy lives.

The most significant difference between homosexual and heterosexual persons is that lesbians and gay men continue to be the targets of hostility, discrimination, persecution, and violence, solely because of their sexual orientation.

There is not a great deal of empirical data on violence against lesbians and gay men. But enough information has been collected by community organizations and by social scientists to permit some general observations.

First, the violence is surprisingly common across the United States. Statewide and community surveys from all parts of the country indicate that a significant minority of lesbian and gay respondents—between 15 and 25 percent—have been punched, kicked, or beaten because of their sexual orientation. Most attacks seem to be perpetrated by groups of young males, often armed, who do not know their victims personally.

Attacks against gay people often are characterized by an intense rage on the part of the attackers, and so they tend to be more violent than other physical assaults. The frequency of attacks seems to have increased during the last few years, with many attacks now including spoken references to AIDS by the attackers, usually accusing the victim of spreading AIDS to others. AIDS may thus be providing a convenient excuse for violent expressions of hostility against gay people.

Turning to the aftermath of violence, lesbian and gay survivors are likely to be blamed by others for their assault, and accused of inviting the attack or deserving it. Such responses can significantly lower self-esteem and evoke strong feelings of guilt, shame, or depression in the lesbian or gay survivor. When their sexual orientation becomes public knowledge as a result of an attack, lesbian and gay survivors may subsequently be fired from their jobs, evicted from their homes, and denied services simply because they are gay.

This sort of discrimination is currently legal in most jurisdictions. Anticipating all of these negative consequences, most lesbians and gay men probably never report their assaults to law enforcement officials. Community violence surveys suggest that as many as 80 percent of attacks go unreported.

My statements about research findings must be phrased in very tentative terms. Because funding for research in this area has been practically nonexistent, past studies have been on a small scale and have not been able to use systematic sampling techniques. Consequently, we do not know whether their findings underestimate or overestimate the scope of the problem. Thus, we must be extremely cautious in drawing conclusions about the frequency of antigay violence, its forms, or its consequences.

One inescapable conclusion, however, is that violence against gay people is a serious national problem, sufficiently widespread to warrant close scrutiny and government intervention. But until more extensive and systematic empirical research has been conducted with national samples, we will be in the frustrating position of not knowing the full scope of the problem nor how best to solve it.

Violence is only one manifestation of the larger problem of prejudice and hostility directed toward the estimated 20 million homosexual persons in American society. The term "homophobia" has come to be used to describe this phenomenon. The hostility, fear, and ignorance of most Americans reflect our society's institutional homophobia—the antigay ideologies prevalent in our Government, our schools, our churches, and our mass media. These societal institutions effectively create a cultural climate in which individual expressions of homophobia, including violence, are tolerated or even encouraged.

Unfortunately, actions by the Federal Government have contributed significantly to this climate of prejudice, most recently in connection with AIDS and with State sodomy laws. Earlier, I mentioned that fear of AIDS has become linked to antigay violence. A growing body of scientific data, including my own empirical research, shows that individuals' irrational fears surrounding AIDS—such as fear of transmission through casual contact—are highly correlated with their level of homophobia.

I interpret this finding to mean that reducing AIDS hysteria requires confronting its roots in homophobia, and that eliminating homophobia will require education about AIDS. Unfortunately, the U.S. Justice Department has sanctioned discrimination based on fears of AIDS-contagion, and has thereby fueled fears about AIDS and probably contributed to public homophobia.

The cultural climate of homophobia was intensified when the Supreme Court recently ruled that States can legally prohibit sexual intimacy between persons of the same sex in the privacy of their own homes. Lesbians and gay men, in other words, can be declared criminals simply for sexually expressing love for their partners. It is not difficult to see how such a ruling can be interpreted as legitimating hostility toward gay people.

Within this cultural climate of prejudice, homophobic violence and even murder are condoned through public indifference, blaming of the victim rather than the perpetrator, lack of serious attention by police and prosecutors, and minimal sentencing if offenders are convicted. This pattern is clearest when the perpetrators of homophobic violence are adolescents, which is often the case. They are typically tried as juveniles and consequently receive light sentences, if they are sentenced at all. The effect of such minimal responses by the State is to give tacit permission for attacking gay people.

In order to reduce the violence, we must attack the homophobia that underlies it. Thus, any intervention strategies must include public education concerning gay men and lesbians. Given the frequency of homophobic violence among adolescents, such education is particularly important in middle and secondary schools.

An important component of educational programs must be permitting heterosexual persons an opportunity to interact freely with their gay and lesbian friends, family members, and coworkers. This sort of personal contact appears to be the most effective remedy for homophobia. But it cannot occur while discrimination based on sexual orientation remains legal.

Until protective legislation is enacted, most lesbians and gay men will try to avoid harassment by hiding their orientation, and so the elimination of homophobia and its consequent violence will be delayed.

Based upon these observations, the APA makes the following recommendations concerning violence against lesbians and gay men:

No. 1, the Federal Government should encourage development of a body of knowledge on homophobic violence by providing adequate funding for scientific research through agencies such as the National Institute of Justice and the National Institute of Mental Health. This research should describe the scope of the violence, the forms it takes, and its consequences for survivors.

No. 2, once data are available, effective intervention strategies should be developed and evaluated. These should include: First, programs for directly reducing violence, including collaborations between police and community groups to monitor neighborhoods; second, programs for reducing the homophobia that underlies the violence among the general public and especially in schools; and third, programs for providing adequate medical, social, and legal services to survivors of violence.

No. 3, the Congress should enact legislation that clearly identifies homophobic violence as repugnant and unequivocally unacceptable. Such legislation should: First, establish criminal penalties specifically for homophobic violence; and second, authorize the victims of such violence, or their survivors, to file civil suits against their assailants. Legislators should also address the problem that many perpetrators of antigay violence are juveniles, and consequently face minimal punishment or rehabilitation.

No. 4, finally, the Congress should take action to change the current cultural climate, which fosters homophobia in general, and antigay violence in particular. At least three steps should be taken with all possible speed: One, Congress should protect the civil rights of persons with AIDS and persons perceived as having AIDS by explicitly including them in existing legislation that safeguards the rights of disabled Americans; two, Congress should protect all Americans from State regulation of their private, consenting sexual conduct; three, Congress should protect all Americans from discrimination in employment, housing, and services based on sexual orientation.

Federal legislation in these areas will not in itself eliminate homophobia or antigay violence any more than laws against racial discrimination have eliminated racism. But such laws can help to create a climate of openness in which lesbians and gay men can cooperate with the criminal justice system to confront the problem of homophobic violence, and in which American society can confront its own homophobia.

Thank you.

Mr. CONYERS. Well, we appreciate that. And I know it has been a struggle within the American Psychological Association to reach this point. There was a day in time when that wasn't the prevailing medical view even.

This has been a good panel.

I want to acknowledge the presence of our subcommittee member, Mr. Bryant from Texas, whom we welcome to these proceedings.

Mr. BRYANT. Thank you, Mr. Chairman.

Mr. CONYERS. I have several questions, and I will address the panel.

Mr. Berrill mentioned a particular Federal agency that was not only neutral to assisting gays but was hostile. I would like to have that agency identified.

We have a number of recommendations about what the Congress should do. We have before us, of course, H.R. 230, introduced by Mr. Weiss in the beginning of last year. We can also amend 18 U.S.C. 241, and we could pass a sense of Congress resolution indicating our antipathy toward homophobic violence. And I would like to see what your feelings are about those and find out if anybody has attempted to contact Attorney General Meese, or anyone else, to see what they are willing to do about their role in reducing this kind of violence and this kind of terrorism.

We all know that there is no Federal antisodomy law, but I would like to find out if there are any contacts made with the Governor of Georgia, the Senators, the Congressmen—one of whom is a distinguished member of this subcommittee—or other government officials in an attempt to deal with the antisodomy law there.

I would like to find out if there are any suggestions about how we can educate the American people about the AIDS hysteria that increases the violence and antipathy toward gays. And I would also like to find out about what the results are, in terms of police work and criminal justice prosecution and the 15 murders that have occurred in the New York area, with reference to antigay violence.

Finally, I observe that antigay violence is a crime, because violence is a crime in America.

Anyone can begin to address any of those questions, if you choose.

Mr. BERRILL. Mr. Chairman, I would like to begin by addressing your question about our interactions with Federal agencies, notably the Justice Department. In 1985 our organization twice met with the National Institute of Justice [NIJ] the research arm of the Justice Department. NIJ acknowledged in a letter to NGLTF that antigay and antilesbian violence is increasing, and in that regard represents a problem that should be addressed. Yet, despite urging by NGLTF, California Attorney General Van de Camp and the chief of police of San Francisco, Frank Jordan, NIJ declined to undertake a pilot study of antigay violence that it had been considering: I am told that funding prospects for outside proposals do not look promising. I should point out that NIJ has funded the development of a police protocol to respond to crime motivated by racial and religious prejudice, but that protocol ignores antigay violence.

Under the leadership of Assistant Attorney Lois Herrington, the Office of Justice programs made significant strides in securing rights and services for victims of crime, but not all victims of crime have been embraced by the Justice Department.

Despite repeated urging by NGLTF, the Attorney General's task force would not even mention battered lesbians and gay males in its 1984 report. When we went to the Office for Victims of Crime to ask for funding to expand victim-related training programs, the request was denied on the grounds that there were scant resources available to deal with this problem. That reply is a bit disingenuous given the fact that that office has funded project to dealing with other special populations. Apparently the Justice Department thinks some crime victims are less equal than others.

If funding priorities are at issue, we cannot ignore the fact that this year the Office of Justice programs gave a $622,000 grant to the Task Force on Families in Crisis, which has ties to Phyllis Schlafly's Eagle Forum. The Task Force on Families in Crisis has no expertise in the area of domestic violence, and people for the American Way, a public interest organization described the grant as a "scandalous use of public funds." We think that these charges have merit and deserve to be investigated.

When the Office of Justice programs has not deliberately ignored gay victims of crime, it has actively discouraged efforts by some of its grant recipients to address the legitimate concerns of lesbians and gay crime victims.

For example, last year, Attorney General Meese froze a grant to the National Coalition Against Domestic Violence after some critics charged that NCADV was "prolesbian" and antifamily. The grant was subsequently reduced by $100,000, and later released on the condition that work done under the grant be closely monitored.

This year NCADV declined to renew funding with the Office of Justice Programs, because the Office of Justice programs would not permit any references to battered lesbians in programs and in publications funded through the grant—even though battered lesbians constitute a significant portion of battered women.

How unfair they can be? First, the Justice Department screens candidates for U.S. attorney in an effort to exclude gay people, and then it allows employers to discriminate against persons with AIDS, even on irrational grounds, and now it seeks to prevent agencies from seeking to meet the very legitimate needs of gay and lesbian crime victims. That is tremendously unfair, and we can only conclude that these mean-spirited actions are motivated by prejudice, the same that motivates antigay violence.

We urge the Justice Department to put aside prejudice, and to encourage fair treatment of all crime victims—not just gay people, but also people of color, disabled victims, recent immigrants, survivors of homicide victims, hostages, police survivors that family members of police officers who are killed on the job and victims of drunk drivers. At the very least, we ask the Justice Department to refrain from censoring those grant recipients that seek to address the very legitimate needs of gay and lesbian crime victims.

We also ask that Congress, in its oversight role, monitor Federal activities with respect to antigay violence, and encourage a more responsive and responsible role by the Federal Government. We encourage Congress to enact the laws that deal with this problem including passage of hate crime legislation, clarification of the Federal civil rights statutes so that they clearly protect gay people. Federal civil rights protection is the key to changing the attitudes that cause antigay violence, would improve ability of gay and lesbian crime victims to report crimes against them.

We didn't just go to the Justice Department. In 1984 NGLTF learned that the U.S. Commission on Civil Rights was considering a national study of crime motivated by racial, ethnic and religious bigotry. Despite urging by NGLTF, the Commission refused our request that it expand the scope of its study to include violence motivated by antigay bigotry and instead the Commission authorized it's State advisory committees to examine the issue of antigay violence, but only from an administration of justice standpoint. Two years later, not a single State advisory committee, has conducted an investigation of antigay violence, although I know that several have examined other types of crimes motivated by bigotry.

NGLTF also went to the Center for Disease Control Violence Epidemiology Branch, which informed us that the increased risk of violence faced by gays is an important problem, but unfortunately we simply do not have the resources at present to conduct for a study specifically focused on this risk group. So, here again, we are getting some acknowledgment from NIJ and the CDC, that this problem is serious, that there is an increased risk of violence faced by gays. But we don't see any kind of commensurate response, and that is deplorable. We would appreciate anything that Congress could do to light a fire under the Justice Department and any other Federal agencies so that some significant action is taken.

In response to your question about the Georgia sodomy law, the National Gay and Lesbian Task Force has initiated its privacy project, and we will be assisting local and State gay and lesbian organizations in going to their States' attorneys general and legislatures, to urge that the sodomy laws be repealed.

I think this is an effort that is of vital concern to our organization, and to the national gay and lesbian community, and we will be working very hard in the months and years ahead to do just that.

Mr. **Conyers**. Is the Civil Rights Commission that you mentioned the same one that is chaired by one Clarence Pendleton?

Mr. **Berrill**. The very same.

Mr. Wertheimer. I would like to address briefly what can be done at the Federal level to help alleviate the problem, because the messages that are coming right now from the Federal level, as Kevin has discussed already, are overtly hostile to lesbians and gay men.

When the Chief Justice of the Supreme Court states an opinion and discusses extensively the way in which homosexuality used to be a capital crime, it is something some Americans will interpret as license to go out and hurt us, attack us.[3] I am sure the Chief Justice did not intend to do this, but I think opinions like that tend to spur a reaction from irrational people in the community that can be violent.

When the Justice Department hands down rulings that condone discrimination against people who are perceived to have AIDS because they appear to put people at risk for casual transmission even when medical opinion is unanimous that this is not the case, again this is the kind of message from the Federal level that spurs on homophibia and outbreaks of violence against lesbians and gay men. These messages are very hostile to the gay and lesbian community.

The chairman's suggestion about the possibility of a sense of Congress condemning homophobic violence is an excellent one, because there needs to be both short-term and long-term intervention at the Federal level. The amendments to the Civil Rights Acts that would expand them to include lesbians and gay men are, I think, realistically, a long-term agenda for the Congress of the United States. They are not something that will happen overnight. But small steps that lead us in that direction, small steps that allow the Congress to say antigay and lesbian violence is a distinctly un-American activity that is deplorable, are an excellent idea.

Mr. Herek. I would like to say, all of the suggestions you made sound very good. We need to create a climate. It is very true that violence against lesbians and gay men is a crime, because violence against anyone in our society is a crime. Yet, we hear repeatedly that some victims of crime are more equal than others.

We need to create a climate in which people in American society are socialized to realize that this is a problem. The vast majority of Americans are not committing acts of violence, but many Americans do hold very hostile and prejudicial attitudes toward lesbians and gay men, that in some ways logically lead to violence.

So we are talking about resocializing many of the people in our country in the same way that we resocialized people——

Mr. Conyers. How do we do it?

Mr. Herek. I think all of the measures we have been talking about are very important. We can't pass a law and say to people, "you can't be bigoted." But we know from a mass of social psychological research that when people change their behavior, often not too long after that they start to change their attitudes. If we simply make it illegal to discriminate and illegal to be openly hostile, to be openly prejudiced against gay people in the same way we have tried to address prejudice against racial minorities, ethnic minorities, and religious minorities, then that is going to help to achieve that climate in which violence is unacceptable.

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[3] Editor's Note: *Bowers* v. *Hardwick*, 106 S.Ct. 2841, 92 L.Ed. 2d 140 (1986).

I would also like to say that there are social scientists who are very willing to apply to the National Institute of Justice, to the National Institute of Mental Health, or to any other Federal agencies for funding to do good empirical research on this topic and to look at intervention programs, and to evaluate them, and help collect a good body of data. But I think it would be useful if there were a mandate from the Congress in the budgets of those agencies to say that this is a respectable topic of research.

It requires too much work to create a grant application, to go to one of these agencies, when you know they are not going to fund it. But if it is part of the mandate of the organization, I think we are likely to get those grant applications, and we are likely to see the sort of research that will contribute to understanding this problem better.

Ms. **Christensen**. Chairman Conyers, you asked how you do it. On a local level, I think it means educational programs. In high schools—I know 50 percent of the attackers, of antigay violence, are youths under 20. One of the projects my program has put together is an educational program in sex education classes in high schools. So it is support for sex education classes where a realistic view of gay people can be given is one way to start.

Mr. **Conyers**. Are there programs and written materials that have been developed that you find acceptable and successful?

Ms. **Christensen**. Absolutely. In fact, we have developed a curriculum, and I can forward that to you.

One of the other things is a random victim service in general. Victim services are being cut this year; vocational services are being cut. We need that money to be restored. Programs in general are going to help with this problem.

It would be nice, then, if we had the support of this committee in terms of monitoring whether, once those victims service programs are reinstituted and funds are cut, making sure they are not going to discriminate against applicants that will serve gay people. That is a start.

Mr. **Berrill**. Diana referred to education in the schools, and I think that really is critical.

I would like to relay to you a brief anecdote about something that happened in Madison, ME, last year. A student in a high school class asked his teacher why a young man named Charlie Howard was thrown off a bridge and killed by three teenagers, and asked the teacher if a real, live, gay person could come and speak to them about why that happened and what that was all about.

Well, the teacher said he had an even better idea. He invited members of a variety of different disenfranchised minority communities to come and talk about their experiences, including members of racial minority communities, the disabled, native Americans, and a lesbian.

Well, when some local parents found out about a lesbian attending, they went right to the board of education. The board of education went to the principal, and the principal went to the teacher, and the sum total of what happened was that "Tolerance Day"—as it came to be called—was canceled, which is kind of sad, you know.

When we try to change the kinds of attitudes that resulted in Charlie Howard dying in a river in Bangor, ME, when we try to change those kind of attitudes in the schools, we come up against a roadblock.

Such roadblocks have been put in front of us not only by the schools but by many religious leaders, as well. I think the pronouncements of some religious leaders, especially certain fundamentalist preachers, have not only not helped the problem but actually exacerbated it.

I think it is inflammatory when people like Rev. Jerry Falwell issue direct mail that pledges "Stop homosexuals dead in their tracks," or when he issues declarations of war against homosexuality. I watched with horror last year as Rev. Jimmy Swaggert talked on television about having to get the "queers" and the "limp wrists" out of the pulpits. I believe that kind of rhetoric is inflammatory and is an incitement to violence. And I think those people need to be held accountable for this kind of rhetoric.

But what is even more disturbing than the rhetoric coming from the religious right is the silence by the mainstream churches. You know, there is a continuing debate about the alleged sin of homosexuality among many religious leaders. But what is being said about the very real sin of antigay violence? While they are debating these issues, gay people are being thrown off bridges, gay churches are being burned down, and gay lives are being destroyed. What is the morality of that?

I should point out that 18 Metropolitan Community Churches—MCC is a Christian denomination oriented to the gay community—have been set ablaze in the last 15 years or so. That is not something many people know about and hasn't received much attention.

I think we need a concerted response, including more than just government. We need our religious leaders to speak out. We call on the National Council of Churches and the U.S. Conference of Bishops to establish task forces to address the prejudice that leads to antigay violence. We call on the national educational organizations, such as the National Education Association, to develop a curriculum for combating not just antigay prejudice but all kinds of bigotry.

Addressing this problem it is not going to be a quick fix. We can't just have a few good law enforcement or school-based programs here or there. The response must come from several fronts. I am hoping this hearing will at least raise awareness about this issue enough and set in motion that process.

Mr. **Conyers**. I thank you very much.

I notice that in the Tolerance Day hearing at the school in Maine they left blacks off the panel, too.

Mr. **Berrill**. I wasn't aware of that.

Mr. **Conyers**. You named who was on the panel. You didn't name a black. I assume they were omitted, as well.

Mr. **Berrill**. There were, I would say, about a dozen groups including someone who was black, someone who is disabled, someone who is Jewish, someone who is native American, someone who is gay, and members of a variety of other groups.

Mr. **Conyers**. Thank you.

Mr. **Wertheimer**. I would like to comment briefly in response to your question, Mr. Chairman, about the gay-related homicide problem in New York City. You will hear later from Chief Johnston and Captain Bromberg, who commands the bias unit in New York City, about the work they are doing.

New York City sees well over 1,500 homicides in a given year, well over. At the present time, better than half of those cases are solved by the police. With the gay-related homicide cases, well *under 50* percent of those cases are solved. There are many complex reasons for this.

I think there may be a tendency in homicide cases for people often to be killed by someone they know, and investigating the crime is facilitated by that reality. With the gay-related homicides, very often the assailant is a stranger, someone they may have never met before, someone who leaves very little in the way of a trail leading to his capture. It makes the investigation of these crimes extremely difficult.

In New York City, the recent response to these 15 homicides from the police department has been, I think, outstanding. For example, in Queens, where in the space of 9 months three Hispanic gay men were murdered in the same fashion in their homes within an 18-block radius of each other, the local precinct and the borough command responded with an overwhelming show of strength with their detective squad investigating the crimes. Unfortunately, they have not yet been solved, but I cannot fault the police department's response in that case.

There is a larger problem, though, in that gay-related cases, and gay-related homicide cases are something that just don't seem to interest the general public, don't seem to interest the media, and therefore there is very little pressure put on the civil authorities and the criminal justice system to respond to these cases when they occur.

For example, not long ago a woman named Jennifer Levin was murdered in Central Park. People may be familiar with her name. And the person who has been charged with her killing is a man named Robert Chambers. She was young, she was white, she was rich, and she was murdered. It has been played incessantly over the media in New York City. It is something that has gotten an extraordinary amount of attention. People seem fascinated with this killing.

A week ago yesterday, a man was murdered in Central Park. He was purportedly gay. He was black. There was virtually no attention given to that case in the media. No one seemed to care that another supposedly gay black man had been killed. It wasn't until his body was identified on Saturday as that of Cecil Ivory, an administrative law judge for the Workers Compensation Board, and a former member of the State attorney general's staff, that some interest in his case emerged—that the media began to pay a little attention that a sort of VIP had been murdered in Central Park in an area that is known for gay cruising.

It goes to show, I think, that the media in New York City and around the country don't seem terribly interested in what happens to the gay community, just as they may not seem terribly interested in what happens to people of color, to other minority groups that don't have the pull, the magnetism that cases involving Jennifer Levin seem to have. I think it is a deplorable situation.

Elsewhere in the country where gay-related homicides occur on a regular basis, I suggest it is more than likely the police have a laissez-faire attitude toward these cases; they don't give them the priority they need or the attention they ought to command as they are beginning to do in New York City.

Thank you.

Mr. CONYERS. Thank you all very much.

I would like to note the presence of the gentleman from California, Mr. Berman, a member of the committee, who helped us arrange this hearing.

I yield now to Mr. Frank.

Mr. FRANK. Thank you, Mr. Chairman. I appreciate the courtesy you are showing me, and I won't take too much time.

I would say, in answer to the question you pose of what can be done to deal with the attitudinal problem and to make it clear to people that this sort of violence is not to be tolerated, the simple fact of having this hearing and giving this forum to people and having people be able to come and articulate this, I think, is very useful. I would just want to make one comment.

I want to congratulate the National Gay Task Force for its role here. I would make one comment to Dr. Herek. At this point—I understand your interest in having it made explicit that discrimination against people with AIDS and AIDS-related complex is illegal—but at this point I think our position ought to be that no such statutory change is needed because it is in the law right now under section 504. And virtually everybody except the Justice Department understands that.

The American Medical Association has filed a very good brief on that subject, and there is a case going forward. Many Members of Congress are friends of the court in that one.

The most meretricious, intellectually invalid opinion I have ever seen—it is kind of a tie between Lewis Powell and the hardware case, and Charles Cooper in the Justice Department in the 504 case—but I think it is very clear 504 already covers AIDS. And the great bulk of people who have to decide that have already decided that.

Let me note one thing. I very much appreciate Chief Johnston's being willing to appear. My own experience, when I was working with the Police Departments when I was a local official and a State legislator in Boston, was that one of the departments—you have alluded to it—was the historic fear that many gay men and lesbians had about the Police Department. My own sense is particularly in big cities there is some cultural lag there.

My experience has been that within—certainly at the officials levels of these Police Departments, at the higher levels—there is a great deal of willingness to cooperate, and I think one of the roles—I am glad that you alluded to it—is, it is a two-way street here. It is our job as officials to see that the police response is there, is better than it has been in some cases about antigay violence, and I mean not just the police response but the prosecutorial response, judicial response.

I think it is also important for the gay and lesbian organizations that represent the members to help carry the message that Police Departments are increasingly willing to work with them, and ways can be worked out to be cooperative with the police. In fairness to the police, they can't do this if they don't get cooperation.

I know there have been increasing efforts to do that, and I appreciate your making that point clear, because I think there could be a danger in hearings like this. Inevitably, at a hearing, you will illustrate some of the cases where there wasn't the right official response. We are an appeal board in some ways, and if everything was going well, Chairman Conyers and the rest of the members could be going about the other very pressing business of the day.

I appreciate Mr. Berman and Mr. Bryant also taking time to come.

We don't want to give too negative a message. I don't want anyone reading this transcript or watching this on C-SPAN or whatever to get the sense that this is hopeless. The message ought to be a dual one. It ought to be to the victims of violence, that the chances are increasing that they will get some response, and that they ought to be availing themselves either directly or through your organizations of this, because we are never going to make it better unless we get this response.

My own sense is the police departments and the prosecutorial departments, particularly in the big cities—and maybe it will be spreading—have become increasingly responsive.

Mr. **Wertheimer**. I think we have two people who want to respond to that. I appreciate those comments very much. Thank you.

I think we still have a long way to go with the police department, but we have come an extraordinary distance. The police department in New York City is big. There are almost 30,000 officers. I think the attitudes and feelings about lesbians and gay men on that police department run as broad a spectrum as they do in the general population, from people who are openly gay on the police department, supportive of gay people, to people who are virulently homophobic, just as in the general population.

Training with the police, interventions at the precinct level all the way through the command level, are extremely important. I think also using innovative means to facilitate the police in their work is important. For example, in New York City very often when there is a homicide we print in the local gay press requests for witnesses—anyone with information about a case to call the antigay violence project. Very often, these are individuals who are terrified of the police, who really would never go to the police on their own but would be willing to contact the gay identified agency.

When we receive calls from people, we then are able to arrange meetings, usually at our office, with the individuals who are willing to convey information to detectives who are investigating a homicide. Often, this is done anonymously with the cooperation of the police and the witness. That way, the help to solving these crimes——

Mr. **Frank**. You find the police are willing to cooperate?

Mr. **Wertheimer**. I have found the police in New York City are willing to pursue any lead they can in solving a homicide case.

Mr. **Frank**. Thank you.

Ms. **Christensen**. Where there are programs to deal with antigay violence specifically, you will find the cooperation over the last couple of years between the police department—the department and the community has changed drastically, and has changed for the better. The problem ends up being where there is very little official contact between a program and the police department so that in many areas there will be major problems with the police.

In San Francisco, I have seen it change. I have seen the community's response change to the police, and I have seen the police become accessible to the community. It is exciting watching that happen.

I know that we used to receive at Community United Against Violence five complaints of police brutality per month in 1981 and 1982. That has dropped to virtually nothing. That is because the relationship has drastically improved, and that is because we have consciously made an effort to work with the police on a variety of levels.

Mr. **Berrill**. Congressman Frank, it has been my experience now running the violence project for about 4½ years that where gay people tend to have a measure of political power, where they have been active in community organizing and have helped to elect local mayors, that the treatment they receive from the police increases in proportion to their political clout. This is true in Washington, DC, and in Seattle, where police-gay relations are, I think, excellent in many respects. Seattle's Police Department, has a Police Gay Task Force, and has developed safety information for gay people on ways to minimize the risk of being attacked. Whenever there are problems that have come up, the Police Gay Task Force has tried to work those out. They have excellent training programs. Similar programs exist in Washington, DC.

I think there are some very good programs out there, and I would agree that more police departments are becoming increasingly responsive because mutual respect and cooperation are in the best interest of all concerned, not just the gay community, not just the police. But, in my experience, police departments tend to be more responsive where there is an active gay political constituency.

Mr. **Frank**. No question. Any people who are either directly elected or influenced by elections, everything else being equal, tend to be nicer to people who vote for them than people who don't. That is a fact of democracy.

You are not suggesting there isn't more than that, but that is not the only reason police respond. I have found police represent society. Where we have prejudices in society, as you said, we have prejudices in the police department. But it has been my experience on the whole that police officers are there—you don't become a cop to get rich. You become a policeman because of a variety of motives.

I have found most policemen—some, unfortunately, are prejudiced; some, fortunately, are not—but almost all policemen do want to solve crimes and do have a sense of commitment. I think that even—you are right—where people have political power, they ought to take advantage of it. But even in cities, smaller cities or other cities where they don't perceive the elected officials as necessarily pro gay or not on these other issues, I would urge people to take advantage of the opportunity to work with police officers.

I am sure in just about any police department they are going to find people who are sympathetic in the police department, who take seriously their oaths to uphold the law, and I think that will be there.

You didn't suggest to the contrary, but, sure, political power is a good thing. I think people also understand the average prosecutor and police officer does have a commitment to do his or her job. I think also we benefit as police departments become more diverse. This is one of the advantages of that. We sometimes have right-wing criticism of efforts to make police departments better reflect their communities. I think as you begin to get more black and Hispanic and female and gay and Asian police officers, you get a police department that is going to find it easier to respond to people.

I learned this when I was in Boston: an all-white police department couldn't police effectively a racially mixed city because you don't do effective policing simply by brute force. You don't do effective policing simply by being there. A good cop needs to have relationships with the community. He or she needs to have sources, have an understanding of the community to know when something is likely to become violent and when people are just letting off steam.

To the extent a police department reflects the community as gays, black, Hispanic, Asian and female police officers and combinations of the above, those not being in most cases mutually exclusive categories, they are going to do a better job. I do think that is an important part of the message, yes.

We have not had officials responding to antigay violence the way they should. One piece of improving that is for people in the gay community organizations such as yours, whom I very much admire, I know if you decide—just like you don't become a cop to get rich—if you are looking to become a hero within the gay community, volunteering to be one of the leaders between the police department and the gay community is not, on the face of it, the easiest political role you can carve out for yourself.

So I admire your willingness collectively to do that. I realize you find yourselves occasionally being yelled at by both sides.

Mr. **Wertheimer**. I think your comments highlight one of the reasons for doing regional hearings on this subject for this committee, because I think one would find in rural areas, in areas where there hasn't been much presence by the gay community, that police abuse remains a problem. We get calls from people in many local areas throughout the Nation who are still regularly harassed by the police.

Mr. **Frank**. I appreciate that.

Mr. Conyers has been particularly forthcoming on this, but I can tell you, because I am a subcommittee chairman in another subcommittee—we have a law in this country known as Gramm-Rudman-Hollings, which is, in my judgment, dumb; but, in my judgment, it will have—everybody is affected by it. Something has got to give. And you will see fewer regional hearings, in part because of that. That is a fact of life, and I wish it weren't the case but it is.

Mr. **Herek**. Mr. Frank, the topic of two-way streets has come up a few times here. One of the points you raised brings it up again.

Having more diverse police departments is important. It means that people on the police force know the gay and lesbian community because they are also members of it. It also means that other members of the police department get to interact with colleagues who are open members of that community.

We know that when members of the majority groups can interact with a person from a minority group and have an ongoing relationship with that person, it really does a lot to educate the person and to reduce prejudice.

What we need, I think, is legislation that will permit openly gay and lesbian people not only on police forces but in all other sorts of occupations, as well; that sort of legislation will do a lot to reduce homophobia.

Also, to answer your question, Mr. Conyers, about how do we educate people, it seems the most important thing is for heterosexual people to know an openly lesbian or gay person. Today it is likely that most people in this country do know someone who is gay, but they don't know that the person they know is gay. In public opinion polls, about 25 to 30 percent of the American public say that they know someone who is openly gay. We need to increase that figure dramatically.

One way to do it is to make it safer for gay people to come out, and then the other side of the two-way street comes over.

Mr. Frank. That is a subject to which I have given much thought, and I tend to agree with you.

Mr. Wertheimer. Sodomy statutes are still on the books in many States. That correlates directly to the police relationship with the gay community. In the 25 States and the District of Columbia where sodomy statutes still exist and are occasionally enforced, police may feel a little bit confused about what their relationship to the gay community is supposed to be.

When harassment can be done legally and legally sanctioned, and accomplished, the police may be confused about being friendly to the gay community when, in fact, laws exist that they can use to harass us.

Mr. Frank. I appreciate your responses. I think I have used more than my allocated amount of time.

Mr. Conyers. The Chair welcomes the distinguished gentleman from North Carolina, Mr. Coble.

I now recognize Mr. Bryant, the gentleman from Texas.

Mr. Bryant. Thank you, Mr. Chairman.

It is a little late in the game asking this question, but it is not clear to me, and I walked in after the presentations: I don't know who everybody is and who they represent.

Are you Mr. Berrill with the violence project? You are Ms. Christensen, and Mr. Wertheimer.

Mr. Wertheimer. That is correct.

Ms. Christensen. That is right.

Mr. Bryant. You testified a moment ago about the problem with the Justice Department and the fact that, where projects seem to be oriented toward encouraging police departments to protect all citizens, whether they are part of your community or otherwise, from violence, but specifically where they included people in your community, the Justice Department in some fashion backed away from that.

Would you go back over that testimony and tell me what you are talking about?

Mr. BERRILL. OK.

In that instance, I was referring to the fact we had asked the Office of Victims of Crime to expand two training manuals, one for the police and one for prosecutors, on working with victims of crime. There were no references to gay or lesbian victims or members of certain other minority communities in those manuals. And we asked if it would be possible to have those manuals expanded to address the concerns of other victim groups which have some special concerns in terms of getting help from the police.

Mr. BRYANT. Are these manuals distributed to local police departments all over the country?

Mr. BERRILL. They were developed by the National Organization for Victim Assistance, and I don't know how they were distributed. So we were told at that time that there simply weren't the resources to deal with special victim populations.

Mr. BRYANT. Not any special victim populations?

Mr. BERRILL. Funding has been provided by the Justice Department, for example, to deal with a Conference on Racial Minority Victims. This guide developed by the National Sheriffs Association, "Guidelines for Victim Assistance," includes a resource directory and information on autistic victims, victims with cerebral palsy, mentally retarded victims, physically disabled victims, elderly victims, and so forth. But nowhere will you see in this guide the words "gay" or "lesbian."

Mr. BRYANT. I heard what Barney said, and I don't only want to talk about the negative—but some questions about the negative are important, I think—do you maintain that today in any of the major cities the police departments do not protect people that are gay from violence, and do not pursue prosecution or investigation of crimes against gay people?

Mr. BERRILL. Again, I think it varies very much from city to city. As I said, in Seattle and Washington, DC and New York City we are seeing some real improvements. In some other communities it is starting to change. I think it is starting to change because gay people are getting more involved. I think it is starting to change because the police departments are beginning to reflect the diversity of the communities that they serve.

There have been no studies to determine the ways in which different police departments interact with different communities or, I should say, with the gay community. So it is impossible for me to make a blanket statement about what Indianapolis does or what Oklahoma City does or whatever.

What I hear from my end is from the victims who call us. I hear the horror stories week-in and week-out. The National Gay & Lesbian Task Force has received scores of publications, newsletters, newspapers, and so forth from around the country. Hardly an issue goes by when there isn't some kind of report about an incident, and too often those incidents are perpetrated by the police.

I think most police officers are caring and competent. But I think what we need more minority awareness training for police officers, the appointment of official liaisons who can respond to complaints and requests for assistance from the gay community and other minority communities, the establishment of specific policies to track and investigate not only antigay crimes but other crime motivated by bigotry.

Why should we have a special task force for this? Because hate crimes are unique in that they are a violation not only of the victim but the entire community that he or she represents. They are intended to violate and isolate that whole community and create a climate of hatred that opens the way to further violence.

I also believe that such crimes are a real abridgement of our civil rights because they are an attempt to deprive us our freedom of association, and our right to free speech. Such evidence is an attempt, to make us step backward into the closet and to pretend that we are something that we are not.

One of the reasons why Police Departments need to develop special programs like this is because of the traumatic effect that hate crimes have on the victims and because such crimes can create real tensions between different groups in a community. Once that happens, then we have Beirut and we have Lebanon and we have Iran.

Mr. **Bryant**. Thank you.

Mr. **Conyers**. I thank the gentleman and recognize Mr. Berman.

Mr. **Berman**. Thank you, Mr. Chairman, and thank you very much for calling this hearing.

I want to probe in a couple of different areas. The first question—the last thing you said, I thought, was very important. This question, in a world of a great deal of evil acts—why analyze things by virtue of their motivation? I think there is good reason, for the reasons you gave, to deal with crimes based on bigotry, whether it is racial or religious or homophobia. In a way, what we have done on South Africa is an example of that. There are a lot of despotic regimes in this world. That is a despotic regime on which is premised on a racial classification, much the same we saw in Nazi Germany at one point.

I think there is a principled and moral justification for taking particular concern about this kind of action and this kind of crime and this kind of violence. I am wondering, the relationship between an environment, a political environment which attempts to deal with some issues, discrimination issues, things like that, and the extent to which acts of violence targeted on gays lessens.

I would like to get parochial for a moment and talk about California. Here is a State that 11 years ago repealed its sodomy laws. It is a State that in a number of different cities, particularly the major ones, has passed legislation to prohibit discrimination based on sexual orientation. We still have not succeeded at the State level at doing that, but we are getting closer and closer each year.

Is there any relationship between some of those political actions and a decrease in homophobia generally, and perhaps most specifically, in the notion of violence directed at gays? It doesn't have to be parochial because New York City, I am sure, has had a similar experience. I can't remember now—I know there was a bill that was killed on the New York City Council. I can't remember now whether it finally passed, but I am sure this experience has replicated itself in other parts of the country.

I am wondering if there is any relationship.

Mr. **Herek**. I could just throw out a few thoughts on that. I think the situation with lesbians and gay men is so new in this respect that we can't really see a trend in terms of where violence and homophobia are going. I think, if anything, we are seeing an increase over the last 10 to 15 years simply because lesbians and gay men have become more visible. When a group becomes more visible, a group that hasn't been liked very much anyway but that was in the shadows, it is very likely we are going to see a reaction to that.

We have seen that reaction over the last several years. I think that a lot of the violence that we see today is a part of that reaction. But I think that we can look at the example of other groups in our society. For example, although we certainly haven't been able to eliminate racism in our society, we do see that the frequency of racial attacks and the frequency of discrimination and hostility toward people based on the color of their skin has gone down. It is still very much a problem, but it is not the sort of problem that it was 100 years ago, or even perhaps 20 or 30 years ago.

I think we could maybe take that as a model and make a projection into the future and say, yes, as we get this sort of legislation passed, and as the fruits of that legislation come—which means that we start to have more programs, and people start to become educated, and lesbians and gay men become more open and come out to their families and friends—that then we are going to see a similar sort of decrease.

The problem is to be with us a long time, but I think that there is a real relationship between the political climate and what is happening on the streets.

Ms. **Christensen**. As a San Franciscan, I think there have been a number of changes that we can look at that are visible. The protections that have been set up are being used so that you have a gay rights ordinance in San Francisco that is being used in the courts, sometimes successfully and sometimes not. You have relationships with the police that have been developing, and you can see marked changes in the way they have become stronger and in the way that gay people can use them. You can see on a number of different levels the avenues of institutions and laws that we are beginning to be able to use.

In the John O'Connell murder case, for instance, we see a case prosecuted, and it is the first antigay case I know of where the assailant actually got convicted of second degree murder, 15 years to life, and they are actually in prison.

What has typically happened in those cases is that either the prosecution has not happened or they have put up a homosexual panic defense that suggests—where the defense suggests that the gay victim had come on to or made sexual advances, and the defendant freaked out and killed him as a result. Those defenses have worked. But, more recently, we are beginning to see convictions. So we are beginning to see some of the protections that we have been setting up in the State of California where they are being used and where they are working.

Mr. **Berrill**. Mr. Berman, I just wanted to say there is probably a lag time between the time that public policy initiatives are in place and the time that one really begins to feel—one really is able to measure a real discernible change.

San Francisco has had civil rights protections now for a number of years, and more victims may be less afraid to report crimes against them. But I think that the mindset that many gay and lesbian have, after decades of oppression and persecution, doesn't change overnight. And I don't think that the mindset of the assailants changes overnight, either.

I also think that there might be some evidence that hate crimes against other groups are going down, but they go up again, too. I think the anti——

Mr. **Conyers**. They aren't going down; I can tell you that.

Mr. **Berrill**. The anti-Semetic crimes the Anti-Defamation League of B'nai B'rith logged in have gone down somewhat, but not to the 1970's level. I don't know of any other measures of racially motivated crimes. Even when the laws are in place, depending on the economic situation, depending on the leadership of our Government and what they are saying about these issues, there is a confluence of different factors that determine whether hate crimes are going up and down.

I would like to see leaders of our country, and most especially President Reagan, speak out against hate crimes, antigay hate crimes, anti-Semetic hate crimes, antireligious crimes, and so forth. I think the leadership of this country sets the tone for the whole country, and we haven't heard very much on that subject from our leaders. In fact, we have heard quite the opposite, as you know, from President Reagan's remark about sending Qadhafi to San Francisco and then Secretary of State Shultz's extremely insensitive remark about giving Quadhafi AIDS, can only increase the suffering that this epidemic has caused so many thousands of Americans. Those kinds of remark create a climate where prejudice is condoned, especially when those remarks come from the top echelons of our Government.

Mr. **Berman**. One last very narrow question: Do any of you have any up-to-date assessment of how the Los Angeles Police Force—I have heard talk about New York and Seattle and Washington—how the Los Angeles Police Force is dealing in terms of greater and more effective liaison with the gay community, and better responsiveness?

Mr. **Berrill**. I don't have current information, Mr. Berman. There was a police-gay task force which was dealing with issues. The Los Angeles Sheriff's Department has one of the best gay and lesbian awareness training curriculum I have ever seen.

I know that there was a problem. There were complaints about police harassment around the time of the 1984 Olympics, but I haven't been hearing a great deal from that community on this problem. And I would suggest that perhaps Eric Rofes, who is director of the Gay and Lesbian Community Services Center in Los Angeles, could give you a better idea of what is going on there.

Mr. **Conyers**. On that same note, anything further in Michigan, in Detroit?

Mr. **Berrill**. They plan to submit testimony on antigay violence and victimization to the subcommittee. One case from Michigan that is particularly disturbing to us involved a gay man who was killed last year.

According to the prosecution, the victim was brutally murdered with a sledgehammer by his assailant in Kalamazoo. According to one witness, the defendant was at a party covered with blood bragging about the fact he had kicked in some faggot's head.

The long and the short of it, is that the jury recessed, prayed for guidance and 45 minutes later came back with a verdict of not guilty.

The judge, in a very rare statement, said that he seldom differed with a jury on a verdict but had this been a trial before the bench, he would have found the defendant guilty of first degree murder.

This one more example of our criminal justice system again treating gay and lesbian victims as second-class citizens.

Mr. CONYERS. Mr. Coble.

Mr. COBLE. Mr. Chairman, I apologize for my belated arrival. I had two other meetings I was attending. I have no statement.

Mr. CONYERS. We thank everybody for the first panel. We appreciate the work you are doing. Your task has been a very different one and I think you are discharging it in a very excellent way, you and your organization.

Thank you very much.

Mr. BERMAN. Mr. Chairman.

Mr. CONYERS. I recognize the gentleman from California.

Mr. BERMAN. I want to apologize in advance. There are few cheaper tactics in this business than asking for a hearing to be scheduled on a subject and then not being present for the entire hearing, but I am about to engage in that tactic because the immigration bill is now starting on the House floor and if I don't go there, I am afraid they will do to me what I am doing to you by leaving this hearing, even after I requested that you call it and you so graciously agreed to do it and I apologize.

Mr. CONYERS. We understand the exigencies of the closing days of Congress.

The gentleman from Texas. I would like to offer up the same apology to the chairman. Like the gentleman from California, I am a member of the Immigration Subcommittee and have worked on this all year and debate begins now. I need to be present.

Mr. CONYERS. As one who has opposed the immigration bill my entire career, I would like to leave with you all, but unfortunately, I will have to stay here and pray that there is more justice that came out of the grand jury in Kalamazoo that had prayers.

Mr. COBLE. Mr. Chairman.

Mr. CONYERS. Wait a minute.

Do you want to stay or do you want to leave?

Mr. COBLE. I was going to say, Mr. Chairman, I will not abandon ship right now, but I am going to have to go to the House floor pretty soon, too, but I will stay with you for a while.

Mr. CONYERS. That is at least meeting me halfway. I appreciate that very much.

I again thank panel one.

[The prepared statements of Mr. Berrill, Ms. Christensen, Mr. Wertheimer, and Mr. Herek follow:]

NATIONAL
NGLTF
GAY & LESBIAN
TASK FORCE

TESTIMONY ON ANTI-GAY VIOLENCE

SUBMITTED TO

THE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIMINAL JUSTICE
WASHINGTON, D.C.

BY

KEVIN BERRILL
DIRECTOR, VIOLENCE PROJECT
NATIONAL GAY AND LESBIAN TASK FORCE

OCTOBER 7, 1986

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM KEVIN BERRILL, DIRECTOR OF THE VIOLENCE PROJECT OF THE NATIONAL GAY AND LESBIAN TASK FORCE, AMERICA'S OLDEST AND LARGEST NATIONAL GAY CIVIL RIGHTS ORGANIZATION. WE THANK YOU FOR HOLDING THIS HISTORIC HEARING TODAY TO ADDRESS AN ALARMING AND MUCH OVERLOOKED PROBLEM FACING GAY AND LESBIAN AMERICANS.

AS YOU KNOW, THE GAY COMMUNITY IS BATTLING AIDS, ONE OF THE DEADLIEST EPIDEMICS IN RECENT HISTORY. BUT WE ARE ALSO BATTLING A SECOND EPIDEMIC, ONE THAT HAS RECEIVED FAR LESS ATTENTION IN THE MEDIA AND BY OUR PUBLIC OFFICIALS. THAT EPIDEMIC, MR. CHAIRMAN, IS ANTI-GAY VIOLENCE. IT TOO CAN BE DEADLY. FOR MANY WHO SURVIVE, IT LEAVES PHYSICAL AND EMOTIONAL SCARS THAT WILL NEVER FADE. IT HAS BEEN AROUND LONG BEFORE AIDS, BUT THERE IS DISTURBING EVIDENCE THAT THE AIDS AND ANTI-GAY VIOLENCE EPIDEMICS MAY NOW BE FOLLOWING THE SAME MENACING CURVE. FOR, IN AS MUCH AS AIDS HAS SPREAD AND INCREASED, SO HAS THE FEAR AND HATRED THAT SPAWNS VIOLENCE. SADLY, OUR GOVERNMENT'S RESPONSE TO ANTI-GAY VIOLENCE IS SIMILAR TO ITS INITIAL RESPONSE TO THE AIDS EPIDEMIC: SUCH VIOLENCE IS VIEWED SOLELY AS A GAY PROBLEM RATHER THAN AS SOMETHING THAT SHOULD CONCERN US ALL. AT BEST, ANTI-GAY VIOLENCE HAS BEEN IGNORED AND NEGLECTED BY OUR OFFICIALS; AT WORST, IT HAS BEEN FOSTERED BY POLICIES BASED ON PREJUDICE AND FEAR.

WHAT IS ANTI-GAY VIOLENCE? WHAT ARE ITS CAUSES? WE DEFINE IT AS ANY VIOLENCE DIRECTED AGAINST PERSONS BECAUSE THEY ARE GAY OR LESBIAN OR PERCEIVED TO BE SO. IT IS MOTIVATED BY IRRATIONAL HATRED AND FEAR AND BY THE PERCEPTION THAT GAY PEOPLE ARE "EASY TARGETS," UNABLE TO FIGHT BACK OR UNWILLING TO RISK EXPOSURE BY REPORTING CRIMES AGAINST THEM TO THE AUTHORITIES. LIKE OTHER CITIZENS, GAY PEOPLE ARE ALSO VICTIMS OF CRIME NOT RELATED TO THEIR SEXUAL ORIENTATION. BUT WHATEVER THE MOTIVATIONS FOR CRIMES AGAINST THEM, GAY PEOPLE FACE UNIQUE PROBLEMS IN GETTING HELP AND RECEIVING JUSTICE.

GIVEN WIDESPREAD IGNORANCE AND EVEN SKEPTICISM ABOUT THE MAGNITUDE OF ANTI-GAY VIOLENCE, THE NATIONAL GAY AND LESBIAN TASK FORCE UNDERTOOK A STUDY OF THE PROBLEM, INVOLVING NEARLY 2,100 RESPONDENTS IN EIGHT U.S. CITIES. THE RESULTS WERE STAGGERING: MORE THAN ONE IN FIVE GAY MEN AND NEARLY ONE IN TEN LESBIANS HAD BEEN PUNCHED, HIT, KICKED OR BEATEN BECAUSE OF THEIR SEXUAL ORIENTATION, AND APPROXIMATELY THE SAME RATIOS SUFFERED SOME FORM OF POLICE ABUSE. MORE THAN FORTY PERCENT HAD BEEN THREATENED WITH VIOLENCE. OVERALL, MORE THAN NINETY PERCENT HAD EXPERIENCED SOME TYPE OF VICTIMIZATION. ALL THIS—SIMPLY FOR BEING GAY OR LESBIAN.

WE FOUND THAT ANTI-GAY VIOLENCE OCCURRED NOT ONLY ON THE STREET BUT ALSO IN OUR SCHOOLS, ON OUR CAMPUSES, AND IN OUR HOMES. NEARLY HALF THE GAY MALES AND NEARLY ONE FIFTH OF THE LESBIANS HAD BEEN HARASSED OR ATTACKED IN HIGH SCHOOL OR JUNIOR HIGH. ONE THIRD HAD BEEN VERBALLY OR PHYSICALLY ABUSED BY FAMILY MEMBERS. WE HAVE NO STATISTICAL DATA ON THE EXTENT OF ANTI-GAY MURDERS, OR INCIDENTS PERPETRATED BY KLAN, NAZI, OR OTHER HATE GROUPS. NOR DO WE HAVE STATISTICS ON ANTI-GAY VIOLENCE IN PRISONS AND JAILS. BUT OUR FILES BULGE WITH CLIPPINGS ABOUT THESE AND OTHER TYPES OF VICTIMIZATIONS. WE

SHOULD NOT FORGET AT THIS HEARING THOSE GAY AND LESBIAN INDIVIDUALS WHO HAVE COMMITTED SUICIDE, WHICH ALTHOUGH IS SELF-INFLICTED, IS FREQUENTLY A RESPONSE TO THE ENORMOUS STRESS OF LIVING IN A SOCIETY THAT TEACHES GAY PEOPLE TO HIDE AND TO HATE THEMSELVES.

BECAUSE GAY MEN AND LESBIANS FEAR HOSTILITY, DISCRIMINATION, AND VIOLENCE, MANY ARE HIDDEN AND THUS INACCESSIBLE TO THIS TYPE OF SURVEY RESEARCH. DESPITE THIS LIMITATION, THE CONSISTENTLY HIGH RATES OF VICTIMIZATION IN ALL SURVEY LOCATIONS, ALONG WITH THE CONSIDERABLE GEOGRAPHIC DIVERSITY OF THE SAMPLE, ALLOW US TO CONCLUDE THAT ANTI-GAY VIOLENCE IS PERVASIVE. OUR STUDY HAS BEEN PRAISED BY SOCIOLOGISTS AND CRIMINOLGISTS, INCLUDING DR. MARVIN WOLFGANG, WHO IS WIDELY REGARDED AS ONE OF AMERICA'S MOST OUSTANDING CRIMINOLOGISTS. DR. WOLFGANG PRAISED THE NGLTF STUDY AS "ADMIRABLY CAUTIOUS IN THE ANALYSIS OF DATA AND IN THE STYLE OF WRITING. THERE IS NO HYPERBOLE.... I APPLAUD THE EFFORT AND ENCOURAGE FURTHER RESEARCH SO THAT THE DIMENSIONS OF THE PROBLEM MAY BE KNOWN AND EFFORTS CAN BE MADE TO REDUCE THE PROBLEM."

RESEARCH BY OTHER ORGANIZATIONS HAS CLEARLY SUPPORTED NGTLF'S CONCLUSION THAT ANTI-GAY VIOLENCE AND VICTIMIZATION IS WIDESPREAD. STUDIES BY THE WISCONSIN GOVERNOR'S COUNCIL ON LESBIAN AND GAY ISSUES, THE PHILADELPHIA LESBIAN AND GAY TASK FORCE, AND OTHER GROUPS HAVE SHOWN SIMILAR HIGH RATES OF VICTIMIZATION. ONE PARTICULARLY DISURBING FINDING BY THE PHILADELPHIA TASK FORCE WAS THAT GAY PEOPLE IN CITY WERE AT LEAST FOUR TIMES MORE LIKELY TO BE VICTIMS OF VIOLENT CRIMES THAN PERSONS IN THE GENERAL URBAN POPULATION.

IN SOME COMMUNITIES THERE ARE INDICATIONS THAT ANTI-GAY VIOLENCE IS NOT ONLY PERVASIVE, BUT INCREASING. AMONG 44 ORGANIZATIONS REPORTING SUCH VIOLENCE TO NGLTF IN 1985, 38% CLAIMED THAT ANTI-GAY INCIDENTS IN THEIR AREAS WERE MORE FREQUENT IN 1985 THAN IN 1984, 34% WERE UNSURE WHETHER AN INCREASE HAD OCCURRED, AND ONLY 9% STATED THAT VIOLENCE HAD NOT INCREASED.

TWO OF THE GROUPS THAT NOTED AN INCREASE IN VIOLENCE LAST YEAR ARE SAN FRANCISCO'S COMMUNITY UNITED AGAINST VIOLENCE (CUAV) AND THE NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT (NYCAVP). CUAV CLAIMED THAT THE NUMBER OF ANTI-GAY VIOLENCE VICTIMS IT SERVED IN 1985 INCREASED BY 61% OVER THE NUMBER SERVED THE PREVIOUS YEAR; NYCAVP REPORTED A 41% INCREASE IN CLIENTS. THE UNIVERSAL FELLOWSHIP OF METROPOLITAN COMMUNITY CHURCHES, WHICH HAS SEEN EIGHTEEN OF ITS CHURCHES TORCHED SINCE 1973, ALSO NOTED AN UNPRECEDENTED NUMBER OF ATTACKS AGAINST ITS CHURCHES AND ITS MEMBERS IN 1985.

THE TOLL OF ANTI-GAY VIOLENCE CANNOT BE MEASURED SOLELY IN TERMS OF THESE STATISTICS. THESE NUMBERS DO NOT MEASURE THE ANGUISH, FEAR AND LOSS EXPERIENCED BY DEE, WHO IS STILL RECOVERING FROM BURNS CAUSED BY ACID THROWN AT HER FACE AS SHE WAS LEAVING FROM THE LOS ANGELES GAY COMMUNITY CENTER. OR BY ROBERT FROM NEW JERSEY, WHOSE ASSAILANTS BEAT HIM, EXTINGUISHED CIGARETTES IN HIS FACE, AND THEN TIED HIM TO THE BACK OF A TRUCK, DRAGGING HIM IN TOW. OR BY THE FRIENDS AND FAMILY OF CHARLIE HOWARD, A RESIDENT OF BANGOR, MAINE, WHO WAS THROWN OFF A BRIDGE TO HIS DEATH BY THREE TEENAGERS.

OR BY THE MEMBERS OF A GAY CHRISTIAN CONGREGATION IN JACKSONVILLE, FLORIDA, WHOSE CHURCH WAS TWICE SET ON FIRE IN A ONE YEAR PERIOD. ATTACKS AGAINST THAT CHURCH BECAME SO FREQUENT THAT BULLET-PROOF WINDOWS HAD TO BE INSTALLED.

NOR SHOULD THESE STATISTICS BE EVALUATED SOLELY IN TERMS OF THE NUMBERS OF INDIVIDUALS THEY REPRESENT. THE IMPACT OF ANTI-GAY VIOLENCE IS FELT NOT ONLY BY THOSE WHO DIRECTLY EXPERIENCE IT BUT BY OUR ENTIRE COMMUNITY. WHEN JUST ONE OF US IS CALLED "DYKE," "FAGGOT," OR "QUEER," WHEN JUST ONE OF IS THREATENED, WHEN JUST ONE OF OUR CHURCHES OR COMMUNITY CENTERS IS VANDALIZED OR SET ABLAZE, OUR ENTIRE COMMUNITY IS VIOLATED.

ANTI-GAY VIOLENCE IS NOT ONLY PERVASIVE, IT TENDS TO BE ESPECIALLY BRUTAL. ACCORDING TO A 1980 STUDY BY MILLER AND HUMPHREYS, "AN INTENSE RAGE IS PRESENT IN NEARLY ALL HOMICIDE CASES INVOLVING GAY MALE VICTIMS. A STRIKING FEATURE... IS THEIR GRUESOME, OFTEN VICIOUS NATURE." THE DIRECTOR OF BELLEVUE HOSPITAL'S VICTIMS PROGRAM IN NEW YORK CITY HAS SAID "ATTACKS AGAINST GAY MEN WERE THE MOST HEINOUS AND BRUTAL I ENCOUNTERED. THEY FREQUENTLY INVOLVED TORTURE, CUTTING, MUTILATION, AND BEATING, AND SHOWED THE ABSOLUTE INTENT TO RUB OUT THE HUMAN BEING BECAUSE OF HIS [SEXUAL] PREFERENCE."

THE NIGHTMARE FOR ANTI-GAY VIOLENCE VICTIMS DOES NOT END WHEN THEIR ASSAILANTS HAVE FINISHED WITH THEM. CURRENT RESEARCH INDICATES THAT THE VAST MAJORITY—POSSIBLY MORE THAN 80%—NEVER MAKE A REPORT. THOSE WHO DO STEP FORWARD ARE OFTEN REVICTIMIZED BY THE VERY AGENCIES RESPONSIBLE FOR PROTECTING AND ASSISTING THEM. WHILE MANY POLICE OFFICERS ARE COURTEOUS AND HELPFUL, THEY ARE OFTEN DESCRIBED BY GAY VICTIMS AS INDIFFERENT, HOSTILE OR EVEN PHYSICALLY ABUSIVE. MANY ANTI-GAY VIOLENCE CASES CAN ALSO BE RECALLED WHEN THE CRIMINAL JUSTICE SYSTEM HAS FAILED TO VIGOROUSLY PROSECUTE AND PUNISH THE ASSAILANTS. EVEN WHEN PROSECUTORS ARE CARING AND COMPETENT, CONVICTIONS IN SUCH CASES ARE OFTEN HARDER TO OBTAIN. AS WITH WOMEN WHO HAVE BEEN RAPED, GAY VICTIMS ARE FREQUENTLY BLAMED FOR CRIMES AGAINST THEM AND OFTEN FEEL THAT IT IS THEY—RATHER THAN THEIR ASSAILANTS—WHO ARE ACCUSED AND STANDING TRIAL. THE LAW ENFORCEMENT AGENCIES REPRESENTED HERE TODAY HAVE TAKEN MEASURES TO HELP REMEDY THESE PROBLEMS, BUT SADLY SUCH EFFORTS ARE FEW AND FAR BETWEEN.

THIS ADMINISTRATION HAS TAKEN A STRONG STAND AGAINST INTERNATIONAL TERRORISM, BOTH IN WORD AND IN DEED. WHY IS IT THAT SO LITTLE IS SAID, LET ALONE DONE, ABOUT THE UNRELENTING TERRORISM WITHIN OUR OWN BORDERS? TERRORISM AGAINST NOT ONLY THE GAY COMMUNITY, BUT ALSO PEOPLE OF COLOR, JEWS, RECENT IMMIGRANTS AND ABORTION CLINICS. IN RECENT YEARS, THE NATIONAL GAY AND LESBIAN TASK FORCE HAS BROUGHT THIS ISSUE TO THE ATTENTION OF THE U.S. COMMISSION ON CIVIL RIGHTS, THE ATTORNEY GENERAL'S TASK FORCE ON FAMILY VIOLENCE, THE DEPARTMENT OF JUSTICE'S OFFICE FOR VICTIMS OF CRIME, THE NATIONAL INSTITUTE OF JUSTICE, AND OTHER AGENCIES, AND YET LITTLE HAS BEEN DONE TO STUDY OR REMEDY THE PROBLEM. INDEED, ONE JUSTICE DEPARTMENT AGENCY HAS ACTUALLY SOUGHT TO CURB EFFORTS BY ITS GRANT RECIPIENTS TO ADDRESS THE CONCERNS GAY AND LESBIAN CRIME VICTIMS.

WITH A FEW EXCEPTIONS, THE LOCAL AND STATE RESPONSE IS HARDLY MORE ENCOURAGING. OUT OF MORE THAN A DOZEN LOCAL OR STATE EFFORTS TO EXAMINE CRIME MOTIVATED BY BIGOTRY, ONLY THE CALIFORNIA ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE HAS ADDRESSED ANTI-GAY VIOLENCE. TO HIS CREDIT, THE CHAIRMAN OF THAT COMMISSION DECLARED THAT "ANTI-GAY VIOLENCE IS NOT QUALITATIVELY DIFFERENT FROM CRIMES AGAINST RACIAL, ETHNIC AND RELIGIOUS MINORITIES AND CERTAINLY WARRANTS AS MUCH STUDY AND REMEDY."

SOME LOCAL PROGRAMS TO ASSIST GAY AND LESBIAN VICTIMS (TWO ARE REPRESENTED HERE TODAY) HAVE RECEIVED PUBLIC SUPPORT, BUT IN MOST COMMUNITIES THIS ISSUE IS IGNORED.

WHILE THE LOCAL, STATE AND FEDERAL RESPONSE TO ANTI-GAY VIOLENCE HAS BEEN DISAPPOINTING THUS FAR, WE STILL BELIEVE THAT OUR LEADERS AND OUR INSTITUTIONS HAVE THE CAPACITY TO RESPOND IN A SWIFT, EFFECTIVE, AND COMPASSIONATE WAY TO THIS PROBLEM. IT IS OUR HOPE THAT THE FOLLOWING RECOMMENDATIONS WILL HELP TO FOSTER SUCH A RESPONSE:

1) INCREASED RESEARCH INTO ANTI-GAY VIOLENCE AND ITS CONSEQUENCES.

WHILE THERE IS A GROWING BODY OF RESEARCH TO SHOW THAT ANTI-GAY VIOLENCE IS WIDESPREAD, NO OFFICIAL RESEARCH INTO THE PROBLEM HAS BEEN CONDUCTED, AND MANY PRESSING QUESTIONS REMAIN. NGLTF CALLS ON FEDERAL, STATE, AND LOCAL AGENCIES CONCERNED ABOUT CRIME TO PROMOTE AND SUPPORT EFFORTS TO STUDY THE PROBLEM.

2) LEGISLATION TO COMBAT ANTI-GAY VIOLENCE AND MORE VIGOROUS PROSECUTION OF CASES INVOLVING GAY AND LESBIAN VICTIMS.

NGLTF URGES THAT CONGRESS PASS LEGISLATION THAT WOULD CLARIFY THE SCOPE OF FEDERAL STATUTES 18 U.S.C. 241 AND 242, AND 42 U.S.C. 1985 SO THAT THEY CLEARLY PROTECT THE FULL RANGE OF GROUPS IN THIS COUNTRY THAT ARE SUBJECTED TO ACTS OF VIOLENCE BECAUSE OF THEIR STATUS OR IDENTITY. IN THE EVENT THAT LOCAL AUTHORITIES FAIL TO PROSECUTE ANTI-GAY VIOLENCE, WE MUST BE ABLE TO RELY ON FEDERAL PROSECUTION AND THE ALLOWANCE OF A PRIVATE CIVIL CAUSE OF ACTION. ALTHOUGH SOME OF THE EXISTING FEDERAL STATUTES MIGHT APPLY TO CERTAIN ANTI-GAY VIOLENCE CASES, THE SCOPE OF COVERAGE IS IN DOUBT GIVEN THE SUPREME COURT'S NARROW INTERPRETATION OF THESE STATUTES. FURTHERMORE, THE JUSTICE DEPARTMENT HAS NEVER, TO THE BEST OF OUR KNOWLEDGE, PROSECUTED ANTI-GAY CRIMES UNDER EXISTING FEDERAL STATUTES.

A GROWING NUMBER OF STATES AND LOCALITIES HAVE PASSED LEGISLATION AIMED AT PUNISHING CRIMES MOTIVATED BY RACIAL AND RELIGIOUS BIGOTRY. ONLY CALIFORNIA AND SEATTLE (WA) HAVE LAWS THAT SPECIFICALLY ADDRESS CRIMES MOTIVATED BY ANTI-GAY BIGOTRY. NGLTF CALLS ON STATE AND LOCAL LAWMAKERS TO ENSURE THAT LESBIAN AND GAY CITIZENS ARE PROTECTED IN EXISTING AND FUTURE HATE CRIME STATUTES. TO DO ANYTHING LESS SENDS A MESSAGE TO THE PUBLIC AND TO CRIMINALS THAT IT IS STILL "OPEN SEASON" ON THE GAY COMMUNITY.

3) OFFICIAL MONITORING OF ANTI-GAY INCIDENTS AND OTHER HATE CRIMES.

IN 1983 THE U.S. COMMISSION ON CIVIL RIGHTS CALLED ON FEDERAL AND STATE AUTHORITIES TO DEVELOP A REPORTING SYSTEM TO MEASURE THE EXTENT OF HATE CRIMES. "SUCH DATA," IT SAID, "ARE NEEDED TO MEASURE TRENDS, DEVELOP PROGRAMS, ALLOCATE RESOURCES AND ADJUST PUBLIC POLICY."

AT THE PRESENT TIME, THERE IS A BILL (H.R. 2455) WHICH HAS PASSED THE HOUSE AND IS PENDING IN THE SENATE THAT WOULD MANDATE THE COLLECTION OF STATISTICS ON CRIMES MOTIVATED BY RACIAL, ETHNIC, AND RELIGIOUS PREJUDICE. WE URGE ITS PASSAGE AND ASK CONGRESS AND STATE LAWMAKERS TO ENACT LEGISLATION THAT WOULD REQUIRE THE COLLECTION OF DATA ON ANTI-GAY CRIMES. WHEN ANTI-GAY INCIDENTS ARE REPORTED, THEY SHOULD BE REFLECTED IN POLICE STATISTICS, PROVIDED THE LAW ASSURES THAT SUCH DATA ARE NEVER USED TO IDENTIFY INDIVIDUAL VICTIMS OR EMPLOYED FOR ANY PURPOSE OTHER THAN TO MONITOR THE EXTENT OF HATE CRIMES. BECAUSE FEAR OF DISCRIMINATION AND ABUSE INHIBITS MOST GAY VICTIMS FROM REPORTING, POLICE STATISTICS WOULD PROBABLY NEVER REFLECT THE TRUE PREVALENCE OF ANTI-GAY VIOLENCE. NEVERTHELESS, THEY WOULD AT LEAST PROVIDE THE OFFICIAL RECOGNITION OF THE PROBLEM NECESSARY FOR AN ADEQUATE OFFICIAL RESPONSE TO IT.

4) IMPROVED POLICE/GAY COMMUNITY RELATIONS, AND ESTABLISHMENT OF LAW ENFORCEMENT POLICIES TO ADDRESS ANTI-GAY VIOLENCE AND OTHER HATE CRIMES.

AS A RESULT OF DECADES OF POLICE ABUSE AND ENTRAPMENT, MANY GAY AND LESBIAN AMERICANS VIEW LAW ENFORCEMENT OFFICIALS WITH FEAR, MISTRUST AND EVEN HOSTILITY. IN SOME U.S. COMMUNITIES, HOWEVER, POLICE DEPARTMENTS AND GAY PEOPLE HAVE RECOGNIZED THAT IMPROVED COMMUNICATION AND MUTUAL RESPECT ARE IN THE BEST INTERESTS OF ALL CONCERNED. FOR EXAMPLE, IN WASHINGTON, D.C. AND SEATTLE, POLICE DEPARTMENTS HAVE ESTABLISHED WORKING COMMITTEES, INSTITUTED MINORITY AWARENESS TRAINING, ADOPTED POLICIES PROHIBITING DISCRIMINATION, AND IMPROVED THE TRACKING AND INVESTIGATION OF ANTI-GAY CRIMES. THE RESULT HAS BEEN A MARKED IMPROVEMENT IN POLICE/GAY RELATIONS AND A DECLINE IN POLICE ABUSE COMPLAINTS. NGLTF URGES THE NATIONAL INSTITUTE OF JUSTICE AND NATIONAL LAW ENFORCEMENT AGENCIES TO ENCOURAGE THE REPLICATION OF THESE SUCCESSFUL PROGRAMS.

5) ADEQUATE SERVICES FOR GAY AND LESBIAN CRIME VICTIMS

IF GAY AND LESBIAN CRIME VICTIMS ARE TO RECEIVE THE COMPASSION AND SUPPORT THAT THEY DESERVE THEN HOSPITALS, VICTIM SERVICE AGENCIES, RAPE CRISIS CENTERS, DOMESTIC VIOLENCE SHELTERS, YOUTH AGENCIES, PROSECUTORS' OFFICES, AND MENTAL HEALTH CENTERS NEED TO IMPROVE THEIR SERVICES AND OUTREACH TO THE GAY COMMUNITY. THIS IS BEGINNING TO OCCUR, BUT PROFESSIONAL AND CARING SERVICES FOR GAY AND LESBIAN VICTIMS WILL NOT BE A UNIVERSAL REALITY WITHOUT FEDERAL LEADERSHIP.

THE NATIONAL GAY AND LESBIAN TASK FORCE COMMENDS THE REAGAN ADMINISTRATION AND THE CONGRESS FOR PROMOTING RIGHTS AND SERVICES FOR CRIME VICTIMS.

BUT IF ALL VICTIMS ARE TO BENEFIT FROM THESE IMPROVEMENTS, MORE NEEDS TO BE DONE. NGLTF CALLS ON THE OFFICE OF JUSTICE PROGRAMS TO PROMOTE FAIR AND COMPASSIONATE TREATMENT OF ALL OVERLOOKED AND UNDERSERVED VICTIM POPULATIONS—INCLUDING LESBIANS AND GAY MALES, PEOPLE OF COLOR, THE DISABLED, THE ELDERLY, RECENT IMMIGRANTS, SURVIVORS OF HOMICIDE VICTIMS, HOSTAGES, VICTIMS OF CATASTROPHIC PHYSICAL INJURIES, AND VICTIMS OF DRUNK DRIVERS. AT THE VERY LEAST, NGLTF URGES THE JUSTICE DEPARTMENT TO REFRAIN FROM CENSORING THOSE GRANT RECIPIENTS THAT SEEK TO ADDRESS THE LEGITIMATE CONCERNS OF GAY VICTIMS IN PROGRAMS AND PUBLICATIONS.

FOR ITS PART, THE CONGRESS SHOULD OPPOSE EFFORTS TO CUT THE VICTIMS OF CRIME ACT—WHICH IS FUNDED THROUGH FEDERAL CRIMINAL PENALTIES, NOT TAX DOLLARS. WE ALSO URGE CONGRESS TO OPPOSE EFFORTS TO CUT OR ELIMINATE FUNDING FOR THE JUSTICE ASSISTANCE ACT, WHICH SUPPORTS THE IMPORTANT WORK OF VICTIM ADVOCACY AND SERVICE GROUPS, SUCH AS THE NATIONAL ORGANIZATION FOR VICTIM ASSISTANCE.

6) EDUCATIONAL PROGRAMS TO COMBAT THE PREJUDICE THAT LEADS TO ANTI-GAY VIOLENCE.

LIKE THOSE WHO ENGAGE IN RACIST AND ANTI-RELIGIOUS CRIMES, THE PERPETRATORS OF ANTI-GAY VIOLENCE TEND TO BE YOUNG, USUALLY IN THEIR TEENS OR TWENTIES. CLEARLY, THE PREJUDICES THAT LEAD TO VIOLENCE DEVELOP EARLY IN LIFE AND NEED TO BE ADDRESSED AT THAT TIME. ALL AMERICANS, BUT YOUNG PEOPLE ESPECIALLY, NEED TO UNDERSTAND THAT VICTIMIZING LESBIAN AND GAY PEOPLE IS ILLEGAL, IMMORAL, AND INTOLERABLE IN OUR SOCIETY.

ACROSS THE U.S., PROGRAMS INVOLVING YOUTH, PARENTS, TEACHERS, CLERGY AND OTHER HAVE BEEN INITIATED TO RESPOND TO BIAS INCIDENTS AND LONGSTANDING PREJUDICES. NGLTF APPLAUDS SUCH PROGRAMS AND URGES THAT THEY ADDRESS ALL FORMS OF PREJUDICE—INCLUDING HOMOPHOBIA. IF EDUCATORS AND COMMUNITY LEADERS SPEAK OUT SOME FORMS OF INTOLERANCE BUT ARE SILENT ABOUT OTHERS, YOUNG PEOPLE CAN EASILY ACQUIRE THE NOTION THAT SOME GROUPS DESERVE TO BE PERSECUTED AND VICTIMIZED.

7) REPEAL OF ALL SODOMY LAWS AND PASSAGE OF LEGISLATION PROHIBITING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

LIKE MILLIONS OF OTHER AMERICANS WE ARE APPALLED BY THE SUPREME COURT'S DECISION UPHOLDING GEORGIA'S SODOMY LAW AND THE RIGHT OF GOVERNMENT TO INTERFERE IN THE PRIVATE LIVES OF CITIZENS. THAT DECISION WAS A LEGAL AND MORAL DISGRACE, AND TRIGGERED A WAVE HARASSMENT AGAINST GAY PERSONS AND GROUPS IN WASHINGTON, D.C. AND ELSWHERE. THE SODOMY LAWS FACILITATE ANTI-GAY HARASSMENT BY THE POLICE AND, UNDER CERTAIN CIRCUMSTANCES, CAN BE USED TO DENY GAY PEOPLE CRIME VICTIMS' COMPENSATION. THESE LAWS MUST BE REPEALED.

ALTHOUGH GAY AND LESBIAN PEOPLE PRESUMABLY HAVE THE RIGHT TO BE FREE FROM VIOLENCE AND INTIMIDATION, IN MOST COMMUNITIES THEY CANNOT EXERCISE THAT RIGHT WITHOUT RISKING DISCRIMINATION IN EMPLOYMENT, HOUSING, PUBLIC

ACCOMODATIONS, CHILD CUSTODY, AND OTHER AREAS. IN FAILING TO GUARANTEE GAY AND LESBIAN CIVIL RIGHTS, THE FEDERAL GOVERNMENT PERMITS—INDEED FACILITATES—VIOLENCE AGAINST GAY PEOPLE BY INHIBITING THEM FROM REPORTING CRIMES AND SEEKING LEGAL REDRESS. MR. CHAIRMAN, WE THANK YOU AND ALL THOSE REPRESENTATIVES WHO HAVE CO-SPONSORED HR-230 WHICH WOULD EXTEND THE 1984 CIVIL RIGHTS ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION.

IN CLOSING, I WOULD LIKE TO POINT OUT THAT MANY OF THE WITNESSES HERE TODAY WILL BE WEARING A PINK TRIANGLE, WHICH WAS THE BADGE THAT IDENTIFIED HOMOSEXUAL INMATES OF NAZI CONCENTRATION CAMPS. ALTHOUGH IT IS AN OFTEN OVERLOOKED HISTORICAL FACT, TENS OF THOUSANDS OF GAY MEN AND LESBIANS WERE HERDED INTO THE CAMPS AND, ALONG WITH JEWS, GYPSIES, AND OTHERS, WERE GASSED AND INCINERATED. WE WEAR THE TRIANGLE TO REMEMBER THEM AND TO REMIND ALL AMERICANS OF THE TERRIBLE COST OF BIGOTRY.

ONCE AGAIN, WE ARE GRATEFUL THAT THIS HEARING HAS COME TO PASS, AND HOPE THAT IT WILL HELP TO LIFT THE SEIGE UNDER WHICH LESBIAN AND GAY AMERICANS MUST LIVE.

* * *

ANTI-GAY VIOLENCE:
CAUSES, CONSEQUENCES, RESPONSES

A White Paper by the
Violence Project
of the
NATIONAL GAY AND LESBIAN TASK FORCE
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INTRODUCTION

After centuries of persecution, invisibility, and isolation, gay and lesbian people are claiming the right to participate fully in society. In the ensuing struggle, ever greater numbers have stepped out of hiding to build new relationships, institutions, and communities. However, as gay and lesbian people have become more visible, they have in some respects become more vulnerable to those who hate and want to harm them.[1]

Today in America anti-gay violence has reached epidemic proportions. Like AIDS, and in part because of "AIDS backlash," anti-gay violence has touched the lives of thousands of gay people--sometimes with deadly consequences. A few incidents of such violence are cited below.

--1979: San Francisco Mayor George Moscone and Harvey Milk, a gay activist and city Supervisor, were shot and killed by Dan White, another city Supervisor, who was angered by the growing political strength of the gay community.

--1980: A man with an automatic rifle sprayed the front of a New York gay bar with gunfire, killing two men and wounding six others. After his capture, he declared that he "hates faggots" and "wanted to kill them all."

--1981: An Ohio family hired "deprogrammers" to "rescue" their daughter from a life of lesbianism. The woman was maced and taken by force to another state where she charges that she was mentally tortured and sexually assaulted.

--1982: More than twenty-five New York City police officers entered "Blues," a Manhattan Black and Latino gay bar, assaulted patrons with nightsticks and clubs, and ransacked the bar interior, causing extensive damage.

--1983: Yelling "diseased faggot," a gang of teenagers assaulted a gay man on the streets of Seattle, and raped him with a crowbar.

--1984: A young gay man was attacked by three teenage males and thrown off a bridge to his death in Bangor, Maine. Several weeks later a San Francisco man was assaulted by a gang of youths who, amid cries of "faggot" and "queer", beat him to death.

--1985: In Jacksonville, Florida, arsonists twice set fire to the local Metropolitan Community Church, a Christian church serving the gay and lesbian community. Attacks against the church became so frequent that bulletproof windows had to be installed. Eighteen MCC churches have been torched since 1973.

--1986: A New Jersey gay man was assaulted by three men who extinguished cigarettes in his face, tied him to the back of their truck, and drove the truck, dragging him in tow.

The purpose of this report is to put the acts of anti-gay violence described above--and countless others--into context. In the pages that follow, a definition of anti-gay violence is offered and the causes, nature, and extent of the problem are discussed. This report also examines local, state, and federal responses to anti-gay violence and concludes by recommending policies that address the problem.

WHEN IS VIOLENCE ANTI-GAY?

Violence is anti-gay when it is directed against persons or their property because:

1) they are lesbian or gay or perceived to be so;
2) they are associated with or advocate on behalf of gay and lesbian people.

By this definition, victims and perpetrators of anti-gay violence can be anyone--heterosexual or gay, young or old, male or female, strangers or acquaintances, and members of any race, class, or ethnic group. Although most victims of anti-gay violence are gay or lesbian, sometimes heterosexuals are attacked because they are mistakenly perceived to be gay or because of their association with someone who is gay.

CAUSES OF ANTI-GAY VIOLENCE

Anti-gay violence is caused by anti-gay prejudice and by the perception that gay people are "easy targets," unable to fight back and unwilling to risk exposure by reporting crimes against them.

As history has repeatedly demonstrated, the distance between prejudice and violence is easily closed. Depictions of gay and lesbian people as sick, sinful, and predatory help to foster a climate of fear and intolerance that opens the way to violence. When gay people are viewed as somehow less than fully human (mere "faggots" "dykes," and "queers"), it then becomes permissable for some individuals to throw a stone, wield a bat, or pull a trigger.

The fact that gay and lesbian people are denied many of the rights accorded to other citizens further increases their vulnerability to crime and violence. As long as they are potentially subject to discrimination, and therefore less likely to report crimes, gay people will be especially preyed upon by criminals.[2]

THE SCOPE AND NATURE OF ANTI-GAY VIOLENCE

Anti-gay violence is a longstanding and pervasive problem. Even before gay people formed visible communities, those known or suspected to be homosexual

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were singled out for victimization. Centuries ago lesbians were burned as witches, and men accused of being homosexual were the "faggots" used to ignite witches' pyres. During the Nazi era, tens of thousands of homosexuals were herded into concentration camps and exterminated. In the United States and other countries, "queer bashing" has long been a "sport" engaged in by some young men and frequently tolerated by law enforcement authorities.

It was not until the late 1970's, nearly a decade after the onset of the modern gay civil rights movement, that some local gay groups began to organize anti-violence projects and assist victims. Since then, thousands of incidents of harassment, intimidation, assault, vandalism, arson, murder, and police abuse have been documented. In 1985, 2,042 incidents were reported to the National Gay and Lesbian Task Force by forty-four organizations across the United States and by the National Gay and Lesbian Crisisline. NGLTF estimates that this figure is only a very small fraction of the actual total number of incidents.

Reported Increase in Anti-Gay Violence

In some U.S. communities, anti-gay violence reports are increasing. Among the forty-four groups that reported to NGLTF in 1985, 17 (38%) claimed that anti-gay incidents in their areas were more frequent in 1985 than in 1984. San Francisco's Community United Against Violence (CUAV), an agency serving victims of anti-gay violence, announced that the number of clients it served in 1985 increased 50% over the previous year. The New York City Gay and Lesbian Anti-Violence Project (NYCAVP) also recorded a 41% increase in attacks against gay people in 1985 as compared with 1984.

Both CUAV and the NYCAVP attribute at least part of the increase in reported violence to "AIDS backlash": 28% of cases reported to the New York project in 1985 involved violence against people with AIDS or explicit use of AIDS-related epithets by assailants. Eleven of the organizations that reported increased violence in 1985 to NGLTF, indicated that "AIDS backlash" was clearly a factor in the increase.

The NGLTF Violence Study

In addition to reports collected by local groups, there is a growing body of survey data which indicates that anti-gay violence is widespread. According to a 1984 NGLTF study of nearly 2,100 gay people (654 females and 1,420 males) in Boston, New York, Atlanta, St. Louis, Dallas, Denver, Los Angeles, and Seattle, the vast majority of respondents experienced some type of victimization because of their sexual orientation:

> —More than one in five gay men and nearly one in ten lesbians reported that they had been physically assaulted, and approximately the same ratios suffered some form of police abuse.

--More than one-third reported having been threatened with violence.

--More than nine in ten respondents reported that they experienced some type of harassment, threats, or assault, and more than eight in ten claimed to know other gay people who had been victimized.

--Many of those who reported being harassed, threatened or assaulted further stated that these victimizations occurred multiple times. (See Figures 1 and 2 in Appendix.)

Subjects in the NGLTF study were victimized at home and school as well as in other contexts:

--Approximately one-third were verbally abused by relatives, and seven percent were physically abused as well.

--One fifth of the lesbians and nearly half the gay men reported that they had been harassed, threated, or attacked in high school or junior high school because they were perceived to be lesbian or gay.[3] (See Figures 3 and 4 in Appendix.)

Anti-gay violence negatively affected the attitudes andbehavior of those surveyed:

--More than four in five respondents believed they might be victimized at some time in the future because of their sexual orientation.

--Nearly two-thirds said anti-gay violence was so pervasive that they feared for their safety.

--Nearly half said they modified their behavior to reduce the risk of being a victim of anti-gay violence. (See Figure 5 in Appendix.)

Sex and City Differences

There were consistent sex differences in rates of victimization. Males in the study reported higher levels of verbal harassment (except by family members), threats of violence, and most types of physical assaults. Females, on the other hand, experienced significantly more sexual harassment or assault, verbal abuse by family members, and fear of violence. They were also more likely to say they had modified their behavior to avoid violence. Males and females showed comparable rates of physical abuse by family members.

Where differences existed among the eight cities surveyed, they varied much less consistently than differences by sex. Considering how greatly the eight cities differ in size, geographic location, and social climate, the overall consistency in rates of victimization is noteworthy.

Qualifications and Endorsements

Like all responsible investigations of the gay and lesbian community, the NGLTF study does not claim universal applicability. The study could not include those who, out of fear of hostility, discrimination, and even violence, are inaccessible to survey research. Because surveying was done at certain gay events and institutions, the sample composition also reflected the predominance of young whites in those contexts. Despite these limitations, the consistently high rates of victimization in all survey locations, along with the considerable size and geographic diversity of the sample, strongly indicate that anti-gay violence is widespread.

The NGLTF study has been praised by sociologists and criminologists, including Dr. Marvin E. Wolfgang, Director of the University of Pennsylvania Center for Studies in Criminology and Criminal Law. Dr. Wolfgang, who is widely regarded as one of America's most outstanding criminologists, praised the report as "admirably cautious in the analysis of data and style of writing. There is no hyperbole... I applaud the effort and encourage further research so that the dimensions of the problem may be known and efforts can be made to reduce the problem."[4]

Anti-Gay Violence Studies by Other Organizations

In addition to the NGLTF violence study in 1984, several local regional violence surveys have helped to confirm the pervasiveness of anti-gay violence. The surveys were conducted by the Wisconsin Governor's Council on Lesbian and Gay Issues (1985), the Philadelphia Lesbian and Gay Task Force (1985), the Maine Gay and Lesbian Political Alliance and Maine Civil Liberties Union (1985), Identity, Inc. [Anchorage, Alaska] (1986), Gregory Herek, Ph.D., Yale University (1986), the Richmond (Virginia) Human Relations Commission (1985), the New York State Lesbian and Gay Lobby (1985), the Des Moines Gay and Lesbian Democratic Club (1985), the University of Massachusetts at Amherst (1985), the New Jersey Lesbian and Gay Coalition (1984), and the Minneapolis Gay and Lesbian Community Center (1979). All of these studies have shown rates of victimization similar or identical to those documented in the NGLTF report. These data are compared in Figures 6 and 7 in the Appendix.

Comparison of Anti-Gay and General Violence Rates

A violence study conducted by the Philadelphia Lesbian and Gay Task Force revealed that gay and lesbian people in that city were at least four times more likely to be victims of violence than persons in the general urban population (i.e. cities with populations over one million). Among those surveyed, 24% of gay men and 10% of lesbians reported that they had been subjected to criminal violence during the preceding year because of their sexual orientation. In comparison, the U.S. Department of Justice's 1980 report Criminal Victimization in the United States, states that only 6% of males and 2.8% of females in large U.S. cities experienced crimes of violence in 1980. (See Figure 8 in Appendix.)

The Philadelphia report states that "this comparison becomes even more striking when one considers that the U.S. government study records all crimes of violence, while members of our sample were instructed to report only those victimizations that were because of their sexual orientation, and were perpetrated by non-gay individuals. If violent crimes unrelated to sexual orientation were taken into account, the violent victimization rate in our sample would exceed that of the general, U.S. population by even more than a ratio of four to one."[5]

ANTI-GAY VIOLENCE NOT REPORTED TO AUTHORITIES

Data gathered to date consistently indicate that the great majority of victims of anti-gay violence do not report these crimes to the police. According to the Mayor's Survey of Victims of Violent Personal Crimes in San Francisco (1982), "community outreach data suggested that 82% of anti-gay attacks were not reported to the police."[6] Among those surveyed by the Philadelphia Lesbian and Gay Task Force (1985), 76% of victims of anti-gay violence (91% of females and 61% of males) never notified the authorities. A survey conducted by the New Jersey Lesbian and Gay Coalition (1984) revealed that "almost 80% of those who were in some way victimized, did not report these occurances to the police."[7] The New York City Gay and Lesbian Anti-Violence Project currently estimates that 80% of the crimes directed against lesbians and gay men because of their sexual orientation are never reported to law enforcement, criminal justice, and social service agencies.

When compared with members of the general population, victims of anti-gay violence appear less likely to report to the police. Current research indicates that **at least three quarters** of anti-gay violence victims fail to notify police, while **half** (52%) of the victims of violent crimes fail to do so.[8]

While there are no data available to explain why victims of anti-gay violence are especially unwilling to report, the reasons for their reluctance are well understood. Those who work with such victims cite fear of exposure and discrimination, fear of reprisals, lack of faith in the criminal justice system, and fear that the police will be indifferent or even hostile, as the reasons most often given for not reporting.

ANTI-GAY VIOLENCE AND THE ADMINISTRATION OF JUSTICE

The reluctance on the part of anti-gay violence victims to report crimes against them is often justified. In most areas of the country gay and lesbian crime victims do not receive equal treatment from law enforcement and criminal justice agencies. Indeed, those courageous enough to step forward often find that they are revictimized by the very agencies that are supposed to help and protect them.

Anti-Gay Violence and the Police

While many police officers are responsible and courteous, many others are indifferent, hostile, and even physically abusive to gay people. In recent years NGLTF and local groups have documented hundreds of complaints of police abuse, including verbal epithets, physical assault, entrapment, unequal enforcement of the law, and deliberate mishandling of cases involving gay victims. Among those who participated in NGLTF's eight-city study, 23% of the gay men and 13% of the lesbians reported that they experienced some type of police abuse because of their sexual orientation.

At the urging of local gay groups, some police departments have made efforts to respond more effectively to anti-gay violence and to improve relations with the gay community. Measures taken include training programs for officers on dealing with gay people and other minority groups, the creation of committees and task forces that address anti-gay violence and other issues, improved investigation and follow-up of anti-gay violence and police abuse cases, and the appointment of official liaisons to respond to gay community law enforcement needs. In cities such as Seattle and Washington, D.C., these and other measures have resulted in a marked improvement in police/gay community relations.

In New York City, the police department recently expanded the the scope of its bias crime investigation unit to include the investigation of crimes motivated by anti-gay prejudice. This step has been praised by many local gay community leaders as an improvement in the police department's response to anti-gay violence.

Anti-Gay Violence and the Criminal Justice System

Many cases can be recalled when the criminal justice system has failed to vigorously prosecute and punish anti-gay crimes. When victims were known to be lesbian or gay, some prosecutors have dropped charges against defendants or accepted lenient plea bargains. Even when prosecutors are caring and competent, convictions in anti-gay violence cases are often harder to obtain. As with victims of rape, gay and lesbian victims and witnesses sometimes face instrusive and irrelevent questioning about their sex lives by defense attorneys. Such questionning is usually intended to place blame on the victim for an attack, and to stir up anti-gay sentiment among the jurors. At times, gay and lesbian victims feel it is they—rather than their assailants--who are accused and standing trial.

In numerous cases, defense attorneys have sought to justify an assault or murder of a gay man by claiming that the victim made a sexual advance towards the defendant, and that the defendent's actions were taken in self-defense or were the result of a violent psychological panic triggered by the advance. Known as the "gay advance defense" or "homosexual panic defense," this tactic has resulted in "not guilty" verdicts or reduced sentences for many charged with murdering gay men. According to San Francisco District Attorney Arlo Smith, "the 'homosexual panic defense' poses a grave threat to the civil rights of every member of the gay and lesbian community... All one has to do to have the 'gay advance defense' used against him is to be born gay. By making the issue the victim's sexual history, rather than the defendant's act of violence, the victim is the focus of the trial. It relies on built in bigotry... "[9]

In a few localities, prosecutors have taken steps to improve the handling of anti-gay crimes and the treatment of gay and lesbian victims. In San Francisco, for example, training for Assistant District Attorneys now includes instruction in countering the "homosexual panic defense" and in selecting juries for gay-related cases. The result, according to the District Attorney's office, is that more cases involving gay victims are being successfully prosecuted. In New York City, the Manhattan District Attorney's office recently hired a staff member to advocate for gay and lesbian crime victims and to assist prosecutors in handling such cases.

THE PHYSICAL AND EMOTIONAL CONSEQUENCES OF ANTI-GAY VIOLENCE

Violence directed at gay people tends to be especially brutal. According to a 1980 study by Miller and Humphreys an "intense rage is present in nearly all homicide cases with homosexual victims. A striking feature of most murders in this sample is their gruesome, often vicious nature. Seldom is a homosexual victim simply shot. He is more apt to be stabbed a dozen times, mutilated, and strangled."[10] According to Melissa Mertz, Coordinator of the Victims of Violent Assault Assistance Program of Bellevue Hospital in New York City, "Attacks against gay men were the most heinous and brutal I encountered. They frequently involved torture, cutting, mutilation, and beating, and showed the absolute intent to rub out the human being because of his [sexual] preference."[11]

The trauma experienced by all victims of crime and violence is compounded when the victims are gay or lesbian. As with victims of sexual assault, gay people are blamed for their victimization, and must often contend with a lack of support and feelings of guilt and self-blame. Such feelings can begin to unravel a lifetime of struggle to accept who they are and how they love.

Many gay victims suffer alone because they fear exposure and subsequent prejudice and discrimination. Those who are not open about their sexual orientation often find that they must lie to the police, employers, relatives, and even friends about the circumstances of their victimization. Their inability to share what really happened can provoke intense feelings of isolation which, in turn, blocks their emotional recovery.

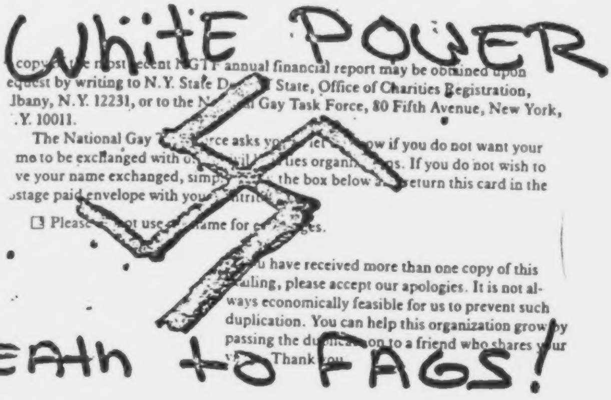
Following an attack, gay and lesbian victims often have a heightened awareness of the anti-gay prejudice that pervades society. Believing that future attacks are imminent, they may go to great lengths to hide their sexual orientation, further increasing their feelings of isolation and alienation.

Friends and lovers of gay violence victims also experience emotional trauma, and sometimes receive insensitive treatment from police, victim service providers, hospital personnel, and family members of the victim. In some cases, hospitals have even denied visiting privileges to a victim's lover because he or she is not legally a member of the victim's family. Such treatment only compounds and prolongs the suffering of both the victims and their gay loved ones.

THE RELATIONSHIP OF ANTI-GAY VIOLENCE TO OTHER CRIMES MOTIVATED BY BIGOTRY

According to the Chairman of the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, "anti-gay/lesbian violence is not qualitatively different from crimes against racial, ethnic and religious minorities, and certainly warrants as much study and remedy."[12] When a cross is burned in the yard of a black family, a Jewish cemetary is desecrated, or a gay church is firebombed, these incidents are of the same character: all are motivated by hatred and ignorance and by the perception that the targeted groups are vulnerable. Such incidents are directed not only at the victims but also at the communities of which they are a part. This violence serves to violate and isolate all members of the group and to discourage their visibility. By creating an atmosphere of tension and suspicion these acts can polarize entire communities and open the way to even greater violence.

Not surprisingly, those with violent prejudices against gay and lesbian people also tend to be intolerant of other groups as well. In recent years, extremist factions such as the Ku Klux Klan and the neo-Nazis have expanded their racist and anti-Semitic agendas to include terroristic activities against gay people. A neo-Nazi leader convicted in the 1983 arson of a Jewish Community Center in Indiana was also found guilty of torching a gay Metropolitan Community Church in Missouri. In Mobile, Alabama, Klansmen who took part in a 1981 lynching of a heterosexual black man had earlier beaten a man because he was gay. These incidents underscore the need for organizations such as the National Institute Against Prejudice and Violence, the Center for Democratic Renewal, Klanwatch, the Anti-Defamation League of B'nai B'rith, and the National Gay and Lesbian Task Force to work together to combat hate crimes.



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The National Gay rce asks yo w if you do not want your me to be exchanged with o lies organi s. If you do not wish to ve your name exchanged, simp the box below return this card in the stage paid envelope with you

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ANTI-GAY VIOLENCE AND THE CHURCH

Sadly, Biblical passages have long been used to justify racism, sexism, and anti-Semitism, as well as anti-gay prejudice. In a letter urging the U.S. Commission on Civil Rights to study anti-gay violence, the New York Urban League asserted that "the Black community too has had spurious use of Biblical texts to justify bigotry against us. We too have been the targets of seemingly random and unchecked violent attacks."[13]

Today, the Bible is invoked by some fundamentalist leaders and organizations that seek to make anti-gay prejudice a public policy. While groups such as the Moral Majority profess to "hate the sin, but love the sinner," they send out direct mail declaring "war against homosexuality" and pledging to "stop homosexuals dead in their tracks."[14] Evangelist Pat Robertson, a prospective candidate for the 1988 Republican Presidential nomination, has cited on television the anti-gay research of the Scientific Investigation of Sexuality,[15] headed by Dr. Paul Cameron. Dr. Cameron has publicly discussed the possibility of exterminating homosexuals and has been expelled from the American Psychological Association for unethical practices. Preachers such as Jimmy Swaggert also promote anti-gay prejudice when they proclaim that "limp wrists" and "queers" must be driven from the pulpits.

Although most clergy and religious groups have not used such vitriolic rhetoric, they have remained ominously silent on the issue of anti-gay violence. While they focus on the the alleged sin of homosexuality, they have failed to acknowledge or speak out against the the sin of homophobia. While they claim to uphold "morality," gay people are thrown off of bridges, gay Christian churches are burned down, and gay lives are destroyed.

OFFICIAL RESPONSES TO ANTI-GAY VIOLENCE

Federal Government and National Law Enforcement Agencies

Despite the prevalence of anti-gay violence, not a single major initiative has been taken by the federal government to address the issue.

In early 1985, the U.S. Commission on Civil Rights refused appeals by NGLTF, religious leaders, civil rights organizations, and public officials to address anti-gay violence in its national study of crime motivated by bigotry. Instead, the Commission authorized its State Advisory Committees to investigate anti-gay violence from an administration of justice standpoint (i.e., the response to the problem by law enforcement agencies and the criminal justice system). To date, not a single State Advisory Committee (SAC) has initiated a study. Meanwhile, several SAC's have initiated studies focusing exclusively on crimes that manifest racial and religious bigotry.

In a letter to NGLTF, the National Institute of Justice (NIJ) acknowledged that "anti-gay violence is growing, and in that regard represents a problem that should be addressed."[16] Yet, despite urging by NGLTF, California Attorney General Van De Kamp, and San Francisco Police Chief Frank Jordan, NIJ declined to undertake an anti-gay violence pilot study that it had been considering. NIJ has since indicated to NGLTF that it would consider funding study proposals from a university researcher or independent research firm.

When NGLTF asked the Centers for Disease Control (CDC) Violence Epidemiology Branch to initiate research on violence against lesbians and gay men, CDC acknowledged that "the increased risk faced by gays is an important problem" but that "we simply do not have the resources at present to conduct a study specifically focused on this risk group."[17] Since then, CDC has included a focus on the sexual orientation of victims in its studies of domestic violence and youth suicide.

When NGLTF, New York City Police Commissioner Ward, and other police officials asked the the International Association of Chiefs of Police (IACP) to initiate a study group on anti-gay violence, IACP declined, citing a lack of resources. Despite requests by NGLTF, the National Sheriff's Association has not yet taken any steps to address anti-gay violence in its programs.

While the Reagan Administration, most notably the Office of Justice Programs, has exercised strong leadership in obtaining rights and services for crime victims, not all victims have been embraced. Gay and lesbian people have been ignored in every Justice Department report focusing on victims of crime, including the 1982 report of the President's Task Force on Victims of Crime and the 1984 report of the Attorney General's Task Force on Family Violence. Despite testimony from the Institute for the Protection of Lesbian and Gay Youth and repeated appeals by NGLTF, the Family Violence Task Force refused to deal with the matter of battered lesbians and gay males in its report. When NGLTF asked the Justice Department for permission and funds to expand victim-related training materials for law enforcement officials, the request was denied.

When the Justice Department has not neglected lesbian and gay victim concerns, it has actively sought to ensure that such matters are not addressed. In 1985, Attorney General Edwin Meese froze a $625,000 grant to the National Coalition Against Domestic Violence (NCADV) in response to charges by the right wing Free Congress Foundation that NCADV was "pro-lesbian" and "anti-family." The grant was subsequently reduced by $100,000 and released only after critics received assurances that work funded by the grant would be closely monitored and done in compliance with the policies of the Reagan administration. In June, 1986, NCADV declined to apply for second year funding because Justice Department officials refused to allow any references to battered lesbians in NCADV publications and training programs funded through the grant.* The Justice Department also required that all references to gay and lesbian crime victims and other special victim groups be removed from a training curriculum developed by the National Association of State Directors of Law Enforcement Training.

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*Meanwhile, Justice has given $622,000 to the Task Force on Families in Crisis, an organization with ties to Phyllis Schlafly's right-wing Eagle Forum. People for the American Way, a progressive lobby, charges that the Task Force has no experience in the field of domestic violence, and described the grant as a "scandalous abuse of public funds."[18]

State and Local Governments

Few state and local governments have taken measures to curb anti-gay violence. In a 1983 report, the U.S. Commission on Civil Rights identified thirteen local or state commissions or task forces focused on crimes motivated by bigotry.[19] However, none has ever examined violence motivated by anti-gay prejudice. When NGLTF testified before the New York State Senate Special Task Force on Vandalism, Religious Desecration and Other Acts of Bigotry in 1983, it was informed that anti-gay crimes were "outside the scope" of the Task Force's mandate and could not be examined. In Maryland and other states where programs exist to respond to hate crimes in the schools and in the wider community, anti-gay violence has been ignored.

While most states and a number of localities have passed laws that specifically address crimes motivated by racial, ethnic, and/or religious bigotry, only California and Seattle have passed laws which also deal with anti-gay violence and intimidation. Initiatives to expand "hate crime" laws to address anti-gay violence have been defeated in Oregon, Washington, Minnesota, and Illinois.

On a positive note, the California Attorney General's Task Force on Racial, Ethnic, Religious, and Minority Violence does include anti-gay violence in its mandate, and issued a groundbreaking report in 1986 addressing the problem of hate crimes. Additionally, programs to assist gay and lesbian victims in New York City and San Francisco now receive some local or state funding. These programs provide a variety of services to victims, including advocacy and counseling, and have alerted police to patterns of violence directed at gay people. As indicated earlier in this report, some police departments and prosecutor's offices have made efforts to respond to anti-gay violence and to assist victims.

RESPONDING TO ANTI-GAY VIOLENCE: GENERAL POLICY RECOMMENDATIONS

As every study on the subject demonstrates, anti-gay violence is pervasive in America. It is also clear that the problem has not been adequately addressed by agencies concerned about crime and its victims. While some positive measures have been adopted, they have been piecemeal rather than comprehensive. In an effort to promote an appropriate national response to anti-gay violence, the National Gay and Lesbian Task Force makes the following recommendations:

1) Repeal of State Sodomy Laws and Passage of Local, State and Federal Legislation Prohibiting Discrimination on the Basis of Sexual Orientation.

At the present time there are laws regulating private sexual behavior between consenting adults in 25 states and the District of Columbia. NGLTF deplores the Supreme Court's 1986 decision upholding Georgia's sodomy law and the right of government to interfere in the private lives of Americans. These laws--which provide the basis for discrimination against gay people, including police harassment--should be promptly repealed.

Although gay and lesbian people presumably have the right to be free from violence and intimidation, in most communities they cannot exercise that right without risking discrimination in employment, housing, public accomodations, child custody, foster care, and other areas. By failing to guarantee lesbian and gay civil rights our government permits--indeed facilitates--violence against lesbian and gay people by inhibiting them from reporting crimes and seeking legal redress.

2) Increased Research into Anti-Gay Violence and its Consequences

While there is a growing body of research to show that anti-gay violence is widespread, no official research into the problem has been conducted, and many pressing questions remain. NGLTF calls on federal, state and local agencies concerned with crime and its victims to promote efforts to study and remedy of the problem. A few of the questions that deserve consideration are:

* How does the treatment of gay and lesbian victims by law enforcement, criminal justice and victim service agencies compare with that of heterosexual victims? What can be done to ensure that gay and lesbian victims receive fair and equal treatment?

* What are the mental health consequences of anti-gay violence? What do mental health, law enforcement, and medical professionals need to know in order to meet the particular needs of gay and lesbian victims?

* What is the extent of anti-gay homicide, and how can law enforcement improve its ability to identify and investigate such cases?[20]

* What people are most likely to perpetrate anti-gay violence? In what contexts is such violence most likely to occur? What interventions would be most effective in deterring anti-gay attacks?

3) Legislation to Combat Anti-Gay Violence and More Vigorous Prosecution of Cases Involving Gay Victims

NGLTF urges that Congress pass legislation that would clarify the scope of federal statutes 18 U.S.C. 241 and 242, and 42 U.S.C. 1985 so that they clearly protect the full range of groups in this country that are subjected to acts of violence because of their status or identity. In the event that local authorities fail to prosecute anti-gay violence, we must be able to rely on federal prosecution and the allowance of a private civil cause of action. Although some of the existing federal statutes might apply to certain anti-gay violence cases, the scope of coverage is in doubt given the Supreme Court's narrow interpretation of these statutes. Furthermore, the Justice Department has never prosecuted anti-gay crimes under existing federal statutes.

In response to an increase in crimes motivated by bigotry, a growing number of states and localities have passed laws addressing certain offenses which clearly manifest racial, ethnic or religious prejudice. Such laws faciliate arrest and prosecution, enhance penalties, and enable victims to take civil actions against their assailants. As stated previously in this report, only California and the city of Seattle have passed laws that also deal with violence and intimidation motivated by anti-gay prejudice.

By failing to include protections for gay and lesbian people in hate crime legislation, lawmakers send a message to the public and to criminals that anti-gay violence is considered less serious than crimes against other minorities. Gay people also deserve protection from violence motivated by bigotry, and NGTLF recommends that all present and future hate crime legislation specifically address anti-gay violence.

Tougher laws cannot be effective in deterring violence if they and existing laws are not adequately enforced. The criminal justice system should give the same priority to anti-gay violence that it accords to other types of crime. Prosecutors should receive training to help them deal effectively and sensitively with cases involving gay victims. Judges should disallow irrelevent and intrusive questions asked of gay witnesses, and they should punish those convicted of anti-gay attacks as severely as those convicted of other violent crimes. Whenever feasible and appropriate, sentencing should require that offenders receive education to promote understanding and respect for gay people.

4) Official Monitoring of Anti-Gay Incidents and Other Hate Crimes

In a 1983 statement, the U.S. Commission on Civil Rights called on federal and state authorities "to develop workable reporting systems that will produce an accurate and comprehensive measure of the extent of criminal activity that is clearly based on racial and/or religious motivations.... Such data are needed to measure trends, develop preventative programs, allocate resources and adjust public policy.[21]

NGLTF agrees that law enforcement authorities should maintain statistics on hate crimes, including crimes directed against gay people because of prejudice. While most victims of anti-gay violence decline to report to the police, a growing number are willing to step forward and want all relevant information included in police reports. When anti-gay incidents are reported, they should be reflected in police statistics--provided the law assures that such data are never used to identify individual victims or employed for any purpose other than to monitor hate crimes.

The U.S. Congress is currently considering HR-2455, a bill that would mandate the collection of statistics on crimes motivated by racial, ethnic, and religious prejudice. NGLTF supports its passage and urges Congress to enact legislation that would require that anti-gay violence statistics be gathered as well. Such data would help to inform police departments about the nature and extent of crimes motivated by anti-gay prejudice, and improve police investigations of them. Because fear of abuse inhibits many gay victims from reporting attacks, police statistics would most likely never reflect the true prevalence of anti-gay violence. Nevertheless, these data would at least help provide official recognition of the problem so that there may be an adequate official response to it.

5) Improved Police/Gay Community Relations, and Establishment of Law Enforcement Policies to Address Anti-Gay Violence

Because of police harassment, entrapment, and abuse, many gay and lesbian Americans view the police with fear, mistrust, and even hostility. Such perceptions discourage many individuals from reporting anti-gay attacks. In some communities across the United States, police departments and gay people have recognized that improved communication and mutual respect are in the best interest of all concerned. Where serious efforts have been made to improve relations, complaints of police abuse have declined, and police have received more cooperation from gay people in law enforcement matters.

Among the measures that have contributed to improved relations are: a) regular communication on the precinct or district level, in committees and councils, and in public forums; b) appointment of official police liaisons to respond to requests for assistance from the gay community and other minority communities; c) mandatory awareness training to help officers understand and work with all minority groups they work with, including the gay community; d) discontinuation of entrapment and undercover surveillance as a means of curtailing illegal public sexual behavior; e) strict policies prohibiting racist, sexist, and anti-gay behavior; f) vigorous investigation of police abuse complaints and prompt and appropriate disciplinary action when complaints are substantiated; and g) policies prohibiting discrimination on the basis of sexual orientation in the hiring and promotion of law enforcement personnel.

Police/gay community relations will also improve if local departments respond vigorously to reports of anti-gay violence. Such a response requires the development of programs and protocols to deal with the problem. Measures that should be adopted include: a) development of model procedures and training for officers to recognize and respond to acts of anti-gay violence and other hate crimes; b) coordination of police department and community organization activities to prevent and respond to outbreaks of crime; c) implementation of sensitive interviewing procedures for victims of anti-gay violence (similar to those followed for rape victims); d) referral of anti-gay violence victims to appropriate community support groups; e) monitoring of incidents that appear to be motivated by bigotry and continued assessment of the likelihood of further violence; and f) deployment of additional police resources in areas where anti-gay violence and other hate crimes are concentrated.

In communities where hate crimes are particularly serious or frequent, special units should be established to prevent, investigate, and respond to such incidents. Special units have already been established in several U.S. cities and counties.

6) Adequate Services for Lesbian and Gay Crime Victims

If gay and lesbian victims are to receive the compassion and support they need and deserve, then hospitals, victim service agencies, rape crisis centers, domestic violence shelters, youth agencies, prosecutors' offices, and mental health centers need to improve their services and outreach to the lesbian and gay community. This can be achieved by a) establishment of training programs to educate staff to respond sensitively to lesbian and gay victims' concerns; b) establishment of programs to address the particular needs of lesbian and gay victims of crime (e.g. lesbian and gay victim support groups, counseling and safe homes for battered lesbians and gay males); c) publicizing agency services to the local gay and lesbian community; d) networking with local gay and lesbian support services; and e) creation of a supportive environment for gay and lesbian employees--beginning with the adoption of agency policies prohibiting discrimination on the basis of sexual orientation in employment and services.

As a result of the efforts of lesbian and gay victim advocate groups, a growing number of agencies have adopted the recommendations cited above. However, professional and caring services for gay and lesbian victims will not be a universal reality without federal leadership. Federal studies and programs have raised the public's consciousness about crime victims and helped to improve the way victims are treated by the criminal justice system and social service agencies. But if all victims are to benefit from this rising tide of concern and resources, federal programs need to address the needs not only of gay and lesbian people (who comprise at least 10% of all victims) but also racial minorities, recent immigrants, the disabled, survivors of homicide victims, victims of catastrophic physical injuries, hostages, victims of drunk drivers, and other underserved victim populations. At the very least, NGLTF urges the Justice Department to refrain from censoring those grant recipients that seek to address the legitimate concerns of gay crime victims.

NGLTF also urges Congress to oppose efforts to cut the Victims of Crime Act (VOCA)--which is supported by federal criminal penalites, not tax dollars--and which provides the states with badly needed monies for victim services and compensation. In addition, NGLTF opposes any reduction in Justice Assistance Act funding, which has enabled agencies such as the National Organization for Victim Assistance to educate law enforcement, criminal justice and victim service groups on ways to better serve victims of crime.

7) Educational Programs to Combat the Prejudice That Leads to Anti-Gay Violence

Like those who engage in racist and anti-religious crimes, perpetrators of anti-gay violence tend to be young--usually in their teens or twenties. Clearly, the prejudices that lead to violence develop early in life and need to be addressed at that time. All citizens, but young people especially, need to understand that victimizing lesbian and gay people is illegal, immoral, and intolerable in our society.

Across the United States, programs involving youth, parents, teachers, clergy, and other members of the community have been initiated to respond to bias incidents and longstanding prejudices. Some school curricula now address racism and anti-Semitism and seek to enhance students' understanding and appreciation of diverse cultures. NGLTF applauds such programs and urges that they be expanded to address all forms of prejudice—including anti-gay prejudice. If educators speak out about some forms of intolerance, but are silent about others, students can easily acquire the notion that some groups deserve to be oppressed and victimized. Because pluralism and respect for diversity is a cornerstone of American society, programs that stress these values should be a part of every student's education.

NGLTF also calls on educators and school administrators to take whatever steps are necessary to protect students who are lesbian or gay (or those perceived to be so) from victimization. Survey data and incident reports show that large numbers of young people are harassed, threatened, or attacked in school and college because of their actual or perceived sexual orientation. Teachers, guidance counselors, and school administrators should receive training to deal with their own homophobia, to respond to anti-gay epithets and episodes in the school setting, and to take whatever measures are necessary to ensure that gay and lesbian students can attend school without fear.

Special efforts should be made to educate students and the general public about AIDS to avoid misplacement of blame on the gay community for the disease. If current myths about AIDS are allowed to persist, it is likely that the already substantial amounts of violence and discrmination inflicted on gay and lesbian people will increase further.

Educational institutions are by no means the only vehicles for education on anti-gay prejudice and violence. The religious denominations of America can also do much to address the problem. Regardless of their stance towards homosexuality, clergy and laity should recognize their responsibility to vigorously condemn anti-gay violence, support measures to deal with the problem, and develop programs to combat the prejudice that leads to anti-gay violence.

The media can also help focus attention on anti-gay violence through complete and balanced reporting on the topic. Until recently, media coverage has usually focused on gay people as perpetrators of crime rather than as its victims. Sensational and highly ambiguous terms such as "homosexual murder" and "homosexual rape" are frequently employed, whereas such associations are never made for "heterosexual crimes."[22] By avoiding anti-gay jargon and providing clear and responsible coverage of the violence issue, the media can do much to enhance the public's understanding of anti-gay violence and thereby help to remedy the problem.

CONCLUSION

For too long acts of harrassment, intimidation and violence against gay and lesbian people have been overlooked. While the problem of anti-gay violence is slowly being acknowledged, an appropriate public response is still sorely lacking, in part because such violence is viewed—as AIDS was initially viewed--to be solely a "gay problem" rather than a societal problem. The continuing failure of our private and public institutions to address anti-gay violence shows a lack of regard not only for gay and lesbian Americans, but the rights of all Americans. For, in the words of Clarence Darrow, "You can only protect your liberties in this world by protecting [another's] freedom. You can only be free if I am free."[23]

RESOURCES

Individuals and organizations seeking to organize against anti-gay violence are invited to contact the NGLTF Violence Project for assistance. NGLTF will provide information on documenting violence, assisting victims, educating the public, promoting legislation to combat hate crimes, and working with criminal justice and social service agencies. Gay and lesbian individuals and organizations who are victims of harassment, intimidation, and violence are encouraged to make a report to their local violence project or the National Gay and Lesbian Crisisline (800/221-7044, Monday through Friday, 3-9 p.m., Eastern Time).

ABOUT NGLTF AND ITS VIOLENCE PROJECT

Founded in 1973, The National Gay and Lesbian Task Force (NGLTF, formerly NGTF) is America's oldest and largest gay and lesbian civil rights advocacy and public education organization. Its purpose is to educate the public about the lives of gay people, to represent the gay community's interests in the public and private sectors, to act as a national clearinghouse for the gay community, and to combat all forms of discrimination based on sexual orientation.

In response to increased reports of attacks against lesbians and gay men, NGLTF initiated the Violence Project in 1982. The Project's goals are to 1) promote an appropriate official response to anti-gay violence, 2) ensure that gay and lesbian victims of crime are treated fairly by law enforcement, criminal justice, and victim service agencies, 3) assist local communities in organizing against anti-gay violence, and 4) increase public awareness about anti-gay violence and to transform that awareness into support for policies that protect and affirm gay and lesbian people.

ACKNOWLEDGEMENTS

NGLTF is grateful to the New York City Gay and Lesbian Anti-Violence Project, the Philadelphia Lesbian and Gay Task Force, the Manhattan District Attorney's Office, and San Francisco's Community United Against Violence, for their comments and suggestions during the preparation of this report. A special thanks to Steven K. Aurand of the University of the Pennsylvania Center for Criminology for his invaluable assistance.

APPENDIX

Figure 1

Percentage of Male and Female Respondents Who were Victimized

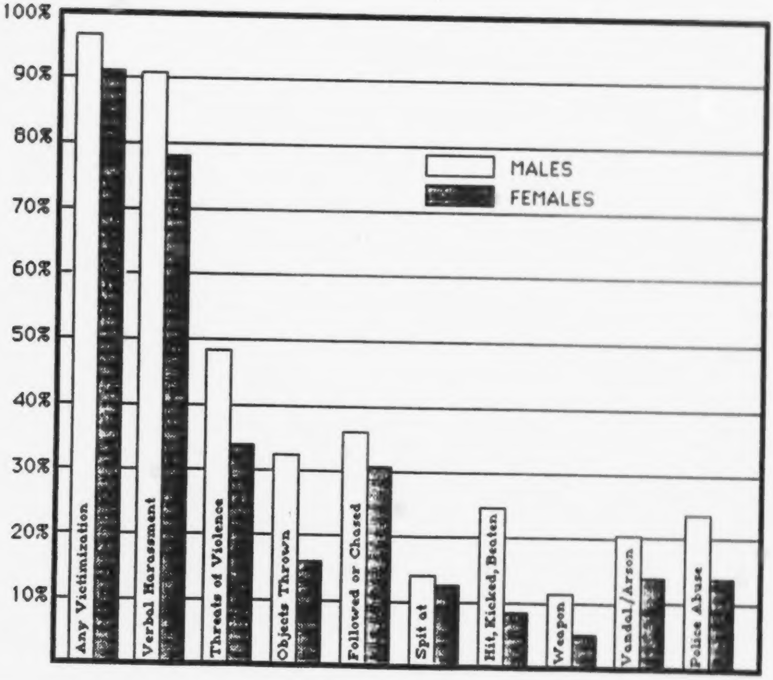


Figure 2

Percentage of Male and Female Victims Who Experienced Multiple Victimizations

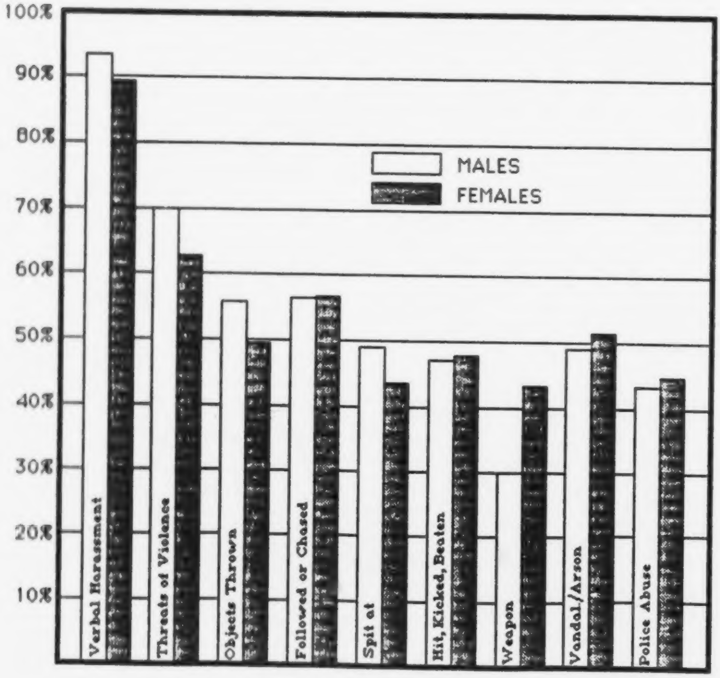


Figure 3

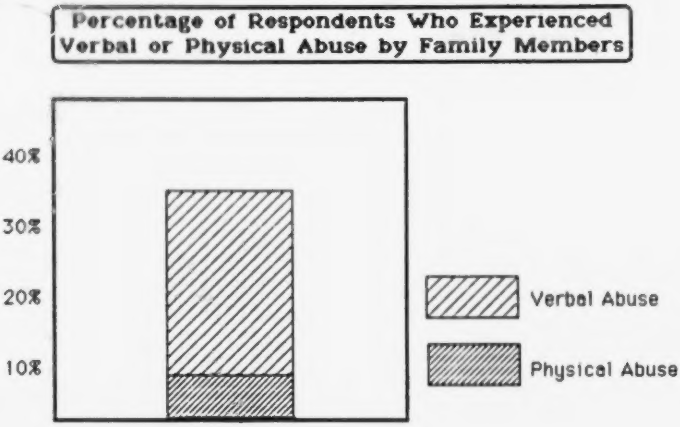

Percentage of Respondents Who Experienced Verbal or Physical Abuse by Family Members

Figure 4

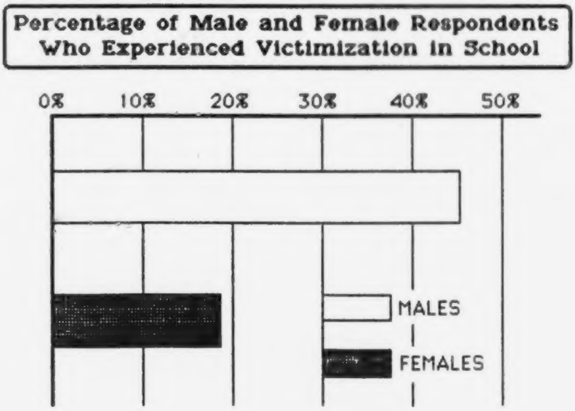

Percentage of Male and Female Respondents Who Experienced Victimization in School

Figure 5

RESPONDENTS' SUBJECTIVE RESPONSES TO ANTI-GAY VIOLENCE AND VICTIMIZATION

	Males	Females
Modified their behavior to reduce the risk of attack	39%	57%
Fear for their safety	58%	70%
Anticipate future victimization	81%	88%

Figure 6

FOUR VIOLENCE STUDIES COMPARED*

	PLGTF[1] STUDY	WISCONSIN[2] STUDY	MAINE[3] STUDY	NGLTF[4] STUDY
SAMPLE CHARACTERISTICS				
Total Sample size	167	213	323	2074
Number of females	80	75	147	654
Number of males	87	138	176	1420
Percentage female	48%	35%	46%	32%
Percentage male	52%	65%	54%	68%
VICTIMIZATION PERCENTAGES				
Verbal Abuse	80%	83%	84%	86%
Threats of Violence	31%	47%	45%	44%
Objects thrown	22%	21%	26%	27%
Chased or followed	25%	37%	38%	35%
Spit at	11%	13%	11%	14%
Punched, hit, kicked, beaten	10%	23%	16%	19%
Weapon assault	4%	10%	10%	9%
Vandalism or arson	10%	20%	20%	19%
Victimization by police	20%	24%	48%	20%
Victimization in school	33%	38%	37%	37%

[1] The Philadelphia Lesbian and Gay Task Force
[2] The Wisconsin Govenor's Council on Lesbian and Gay Issues
[3] The Maine Gay and Lesbian Political Alliance and the Maine Civil Liberties Union
[4] The National Gay and Lesbian Task Force

*Gender composition of samples varied, as did sampling methods.

Figure 7

OTHER SURVEYS DOCUMENTING ANTI-GAY VIOLENCE**

Identity, Inc. of Alaska (734 responses)

Verbally Abused	58%*
Threatened with Violence	24%*
Physically Attacked	11%*

*Victimization occured in Alaska only.

Yale University, Gregory Herek, Ph.D., Department of Psychology (215 responses)

Verbally abused	65%*
Threatened with violence	25%*
Physically assaulted	5%*

*Victimization occurred at Yale only.

Richmond (VA) Human Relations Commission (508 responses)

Attacked or Abused	33%

Des Moines Gay & Lesbian Democratic Club (238 responses)

Verbally Abused	67%
Physically Threatened or Abused	43%

New York State Lesbian and Gay Lobby (380 responses)

Verbally Abused	75%
Physically Attacked	21%

University of Massachusetts at Amherst (175 responses)

Experienced Verbal Abuse, Epithets, Jokes	87%
Verbally Threatened or Harassed	45%
Physically Confronted or Assaulted	21%

New Jersey Lesbian and Gay Coalition (362 responses)

Experienced Physical Violence	17%

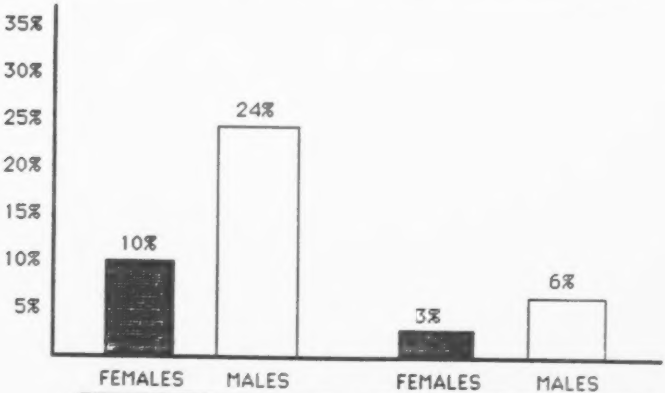
Minneapolis Lesbian & Gay Community Center (289 responses)

Physically Assaulted	23%

**Gender composition of samples varied, as did sampling method.

Figure 8

Annual Levels of Criminal Violence for Members of the Philadelphia Task Force Sample Compared to Levels for Residents of Large Metropolitan Areas in the U.S.



Percentage of survey participants who experienced anti-gay criminal violence during a one year period.

Annual levels of any form of criminal violence for residents of U.S. cities with populations over one million (U.S. Department of Justice).

FOOTNOTES

1) While increased visibility among gay people can lead to increased vulnerability to violence, there is evidence that homosexuals who lead covert lifestyles may be at greater risk for certain types of victimization, including homicide (Miller and Humphreys, 1980).

2) In his March 11, 1986 testimony before the New York City Council on the proposed gay and lesbian civil rights bill, District Attorney Robert Morganthau stated that "as long as gay and lesbian New Yorkers are left unprotected by laws, they will continue to be victims of harasssment and blackmail, and prey to exploitation by criminals."

3) In response to severe harassment and violence against certain gay and lesbian students in the New York City public schools, in 1985 the Institute for the Protection of Lesbian and Gay Youth opened the Harvey Milk School. The school, which has been the center of controversy, receives funding from the local Board of Education to educate lesbian and gay youth who would otherwise not attend school.

On college campuses, the *Philadelphia Inquirer* observed that "the gay movement has collided with the new campus conservativism." The result, it reports, "can be volatile, hurtful and occasionally even dangerous." December 12, 1984.

4) National Gay and Lesbian Task Force, *Anti-Gay/Lesbian Victimization*, 1984, Forward.

5) Philadelphia Lesbian and Gay Task Force, *Violence and Discrimination Against Philadelphia Lesbian and Gay People*, 1985, p. 33.

6) Mayor's Criminal Justice Council and the Mayor's Victim Survey Task Force, *The Mayor's Survey of Victims of Violent Personal Crimes in San Francisco*, Prepared by Cindy L. Winslow, 1982, Executive Summary.

7) New Jersey Lesbian and Gay Coalition, *Discrimination Against Lesbians and Gay Men in New Jersey: 1977-1983*, 1984, p. 16.

8) Department of Justice, Bureau of Justice Statistics, *National Crime Survey*, 1983, Tables 1 and 94.

9) Arlo Smith, "Dealing With Anti-Gay Violence, 'Homosexual Panic' Defense is Bigotry in Action", *Bay Area Reporter*, November 2, 1983.

10) Brian Miller and Laud Humphreys, "Lifestyles and Violence: Homosexual Victims of Assault and Murder", *Qualitative Sociology*, Vol. 3, (3), Fall 1980, p. 169-185.

11) Melissa Mertz, Coordinator of Bellevue Hospital Victims of Violent Assault Assistance Program to Kevin Berrill, National Gay and Lesbian Task Force. Telephone conversation, March 12, 1986.

12) Msgr. William Barry, Chairman of the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence to Clarence Pendleton, Chairman, U.S. Commission on Civil Rights, December 28, 1984.

13) Letter from Harriet Michel, President of the New York Urban League, to Clarence Pendleton, Chairman of the U.S. Commission on Civil Rights, January 4, 1985.

14) Bollier, David, *Liberty and Justice for Some* (New York: Frederick Unger Publishing, 1982), p. 239.

15) People for the American Way, "Televangelist Summary," December 30, 1984 to January 20, 1985, p. 2.

16) Letter from Lawrence A. Bennett, Ph.D., Director, Crime Prevention and Enforcement Division, National Institute of Justice, to Kevin Berrill, National Gay and Lesbian Task Force, June, 3, 1986.

17) Howard Kurtz, "Crisis Intervention for Traditionalists?," *Washington Post*, June 4, 1986.

18) Letter from Mark Rosenberg, M.D., M.P.P., Chief, Violence Epidemiology Branch of the Centers for Disease Control, to Kevin Berrill, National Gay and Lesbian Task Force, January 13, 1986.

19) U.S. Commission on Civil Rights, *Intimidation and Violence, Racial and Religious Bigotry in America*, 1983, pp. 19-20

20) Scores of murders of gay men are documented by NGLTF annually, but no research has been done on this subject. It appears that homosexual males, along with women and children, are at increased risk of being victims of serial murderers. More research is needed so that the dimensions of the problem are known.

21) U.S. Commission on Civil Rights, *Intimidation and Violence*, p. 28.

22) In a 1978 statement, the Federal Bureau of Prisons urged its staff not to use such terms as "homosexual rape" because "the public is lead to believe that these assaults are committed by persons who are homosexual... While homosexuals are frequently the victims, the vast majority of rapes and assaults are committed by persons who are not homosexual."

23) Clarence Darrow, *Attorney for the Damned*, (New York: Simon & Schuster, 1957), p. 140.

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Testimony on Anti-Gay Violence

October 9, 1986

Submitted to:

The Committee on the Judiciary
SubCommittee on Criminal Justice
Washington, D.C.

By:

Diana Christensen
Executive Director
Community United Against Violence (CUAV)
San Francisco, CA

Chairman Conyers and members of the Criminal Justice Subcommittee, I am Diana Christensen, the Executive Director of Community United Against Violence (CUAV) the oldest and largest direct service program for victims of anti-gay violence in the United States.

In spirit, the thousands of victims of anti-gay violence who have come to CUAV for help over the years—the ones who lived through their attacks—they are here with me in spirit today.

Imagine hundreds of CUAV volunteers who collectively spent over 25,000 hours last year to develop solutions to this epidemic of violence. These are volunteers that demonstrate the term "self help" and who, over years of societal ignorance and denial of anti-gay violence, are responsible for creating a response to anti-gay violence thereby making the gay community a "self help" community. Imagine the volunteers of CUAV here in spirit today.

And behind me please note the people of the City of San Francisco. These are people who know all too well that anti-gay violence is a community-wide problem. These are people like Liam __________ who know that the victims of anti-gay violence are those who are PERCEIVED to be gay or lesbian by the assailant(s). Liam _________ knows all too well that this is true. He is a young heterosexual man who happened to be going home from work on the bus one day when he was called a faggot and severely beaten. Liam has had successive surgeries on his back and will forever have back problems because of this attack. In spirit, the people of San Francisco who understand that anti-gay violence is a societal problem—not just a gay problem--are here today.

Chairman Conyers and Members of the Criminal Justice SubCommittee, on behalf of the victims of anti-gay violence in San Francisco, CUAV's hundreds of volunteers, and the people in the City of San Francisco, I want to thank you for holding these hearings. For listening to our stories and requests for your help in finding solutions. Finally, I would like to thank you in advance for continuing to take action. For surely when you learn today that Americans, in American communities are being physically targeted for acts of violent crimes and that they have no place to go for help, you will feel compelled to act against this domestic terrorism.

Overview

Anti-gay violence is an historical fact that has at best been ignored and at worst encouraged in western society--from the burnings of lesbians and "faggots" at the stake in the middle ages to the killings of individuals like John O'Connell on the streets of San Francisco in our own time. Attacks run the range from simple battery to murder. Harrassment in the form of police abuse, shoddy or no prosecution, and government inaction compound the problem. Life, liberty, and pursuit of happiness are not inaliable rights for lesbians and gay men in America. We live fearing for our lives.

Organized in 1979 in response to a rising wave of anti-gay violence in San Francisco, Community United Against Violence (CUAV) is the oldest organized response from the lesbian and gay community to the problem of anti-gay violence. CUAV's support is the exception rather than the norm in the United States. The organization has a staff of seven, 500 volunteers, and is funded by grants from both the city of San Francisco and the United Way of the Bay Area. It is a victim services organization that has records irrefutably demonstrating that the "hidden" crime of anti-gay violence against lesbians and gay men not only exists---it's getting worse.

Statistical Review

Since 1984, CUAV has dealt with over 800 victims involved in over 600 incidents of anti-gay violence. And this is only the tip of the iceberg. Most incidents of anti-gay violence go unreported for fear of reprisal or simply from historic mistrust on the part of lesbians and gay men of the criminal or judicial systems. In 1983 the Mayor's office of San Francisco conducted a study, The Mayor's Survey of Victims of Personal Crimes, that concluded that 82% of the victims of anti-gay violence did not report their assault to the police. CUAV's records show a 50% increase in the number of incidents of anti-gay violence from 1984 to 1985. Thirty-five percent of all incidents involve the use of weapons. Thirty-five percent of all victims require medical attention resulting from anti-gay attacks. Of those requesting medical attention, half require hospitalization and/or surgery. We're not talking about name-calling. We're talking about physical abuse: stabbings, beatings, broken bones, slashed faces. In some cases we're talking about murder.

In John O'Connell's case it was murder. John O'Connell placed a pot the oven that warm summer evening. He wasn't planning to be out long. He met his friend Andy in a bar for a quick drink and then they began to walk back to John's apartment. On the way home, four young teens from Vallejo attacked John and Andy. In the trial later on, we found out that the teens came to San Francisco specifically to beat up gay people. One of the assailants later stated that they attacked John because he was a homosexual and that homosexuality is wrong. (It was as though this young man had never considered that violence is wrong.) The same group of teens were involved in three other violent incidents that night. They used anti-gay epithets in each attack although not all of the victims were gay. The outcome of it all is that John O'Connell is dead. His friend Andy continues to require psychological counselling. Four young people are spending fifteen years to life in California prisons.

Most victims of anti-gay violence in San Francisco are white, male, and in their late twenties. Most assailants are white, male, and under twenty years of age. The majority of incidents involve more than one assailant with an average assailant to victim ratio of 3 to 1. The notion that gay men "provoke" their assailants is entirely unfounded. It is difficult to conceive of an individual provoking a gang of ten youths with his back to them!

Russell __________ was attacked by a group of five high school students directly in front of his own home. Each of Russell's attackers played team sports for their Catholic high school. Russell stated later that the last thing he remembered before losing consciousness was that he recognized he was in the midst of a fight for his life. Although he has undergone multiple surgeries on his arm, he will never fully regain movement. As a typesetter by profession, he will never be able to work to the extent that he did before the attack.

Not all of the victims of anti-gay violence are men. It is sometimes difficult in cases of a personal attack against a lesbian to determine whether or not the attack is anti-gay or whether it is anti-woman. Barbara __________ knew from the epithets that her attack was anti-gay. The assailant saw her walking on the street at about 7 p.m. He began by calling her names. He then hit her repeatedly in the chest and face. Barbara's attacker picked up the lid of a garbage can that was laying nearby and began beating her with it. The screams of three witnesses ultimately caused the attacker to leave. Still, even after the assailant was later identified, the three witnesses—presumably out of fear—refused to make statements to the police.

Relation to AIDS

Is the increase in anti-gay violence an indicator of an AIDS-related backlash? Logically, we can assume that the public hysteria over AIDS aggravates homophobic violence, but we can't say that it causes anti-gay violence. One flash of graffiti from a recent newscast puts the issue of AIDS and anti-gay violence in perspective for me:

AIDS Salvation: Murder Homosexuality

At this point, I believe that AIDS and homosexuality have become synonymous in the American Public's mind. For the homophobic mind, AIDS is simply another justification for violence.

David __________ was told, "You faggots are killing us with AIDS" as he was walking with his groceries though the supermarket parking lot. He was pushed, bashed in the head with a chain, kicked, and beaten to the ground with a skateboard. The grocery store manager originally refused to call the police or an ambulance. David's jaw was broken in the attack and he had to have it wired shut for several months in order for it to heal.

Recommendations

*Recognition of anti-gay violence as a crime.

*Inclusion of lesbians and gay men in legislation protecting citizens from "hate crimes."

*Education of the public, and particularly youth, on homophobia as an existing and unacceptable form of bigotry.

*Training of police and other law enforcement officals on extent, severity, and unacceptability of anti-gay violence, as well as on proper procedures to assist victims.

*Allocate funding for services to victims of anti-gay violence.

*Oppose cuts to the Victim of Crime Act (VOCA) funding.

Wertheimer

TESTIMONY

TO

THE CRIMINAL JUSTICE SUB-COMMITTEE

OF THE

JUDICIARY COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA

SEPTEMBER 25, 1986

Presented By:

David M. Wertheimer, M.Div., M.S.W., C.S.W.
Executive Director
New York City Gay and Lesbian
Anti-Violence Project

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Anti-Violence Project
SUMMARY SHEET

NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT, Inc.

SUMMARY OF TESTIMONY PRESENTED TO THE SUB-COMMITTEE ON CRIMINAL JUSTICE OF THE JUDICIARY COMMITTEE OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Thursday, September 25, 1986

Serving crime victims since 1980, the New York City Gay and Lesbian Anti-Violence Project is New York City's primary service provider to gay and lesbian survivors of homophobic attack, sexual assault, and domestic violence. In the past three years, the Anti-Violence Project has experienced a dramatic increase in its caseload: The 263 survivors of violence served during the first seven months of 1986 represent a 91% caseload increase over the same period of 1985.

The Anti-Violence Project provides a broad range of services to help lesbian and gay crime victims. Peer and professional counseling, a police escort service and court monitors are all available to assist men and women in dealing with the trauma of victimization and the frequently unsympathetic, if not hostile, social welfare and criminal justice systems. Anti-Violence Project staff and volunteers are trained in crisis intervention, advocacy and related support skills. A hotline is available to assist clients in the midst of crisis.

The Anti-Violence Project also engages in community education, outreach and crime prevention activities with the lesbian and gay community, the police and the criminal court system. Over the past six years, models for effective intervention and education have been developed that have been replicated in other communities elsewhere in the United States.

Despite its successful history, the Anti-Violence Project efforts have only begun to scratch the surface of a largely hidden and generally ignored form of hate crime that has reached epidemic proportions in New York City. Most victims of anti-gay or anti-lesbian violence never report assaults to anyone, facing the aftermath of victimization in isolation from the support systems and services that might assist them.

In the testimony that follows, the Anti-Violence Project outlines the various forms of anti-gay and anti-lesbian violence, including harassment, menacing, homophobic assault, AIDS-related violence, sexual assault and homicide. The ways in which the Anti-Violence Project responds to help the victims of these crimes is presented, as well as the ways in which Project staff and volunteers interact with the police and court systems. Statistical material is presented. Recommendations for actions that could address the problem of anti-gay and anti-lesbian violence at the Congressional level are offered.

Ten appendices provide relevant data and information related to the testimony presented.

NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT
80 EIGHTH AVENUE, SUITE 1107
NEW YORK, NEW YORK 10011
OFFICE TEL. (212) 807-6761

INTRODUCTION

Mr. Chairman, members of the House Subcommittee on Criminal Justice, friends:

My name is David Max Wertheimer, and I am the Executive Director of the New York City Gay and Lesbian Anti-Violence Project, Inc., (see Appendix I). I have come before this subcommittee today to testify about the work of the Anti-Violence Project in assisting lesbian and gay victims of violence in the New York City area.

"A" Established in 1980, the Anti-Violence Project is an incorporated, non-profit social service agency providing counseling, advocacy and support services to lesbian and gay survivors of homophobic violence, sexual assault, domestic violence and other types of criminal victimization. The Project also engages in educational activities targeted to the lesbian and gay communities and the criminal justice system; through these activities the Anti-Violence Project seeks to alert individuals to the problem of anti-gay and anti-lesbian violence and to facilitate an informed and sensitive response to lesbians and gay men from the police, courts and victim service providers, (see Appendices II and III).

The Anti-Violence Project grew out of a grass roots effort by lesbians and gay men to address the issue of violence directed against them. Although a small paid staff provides a measure of structure and supervision to the Project, it remains a program utilizing a broad range of expertise from a large group of volunteers. Funding for the Project is provided by the New York State Crime Victims Board, the New York State Department of Social Services, the New York State Department of Health, as well as by private foundations and individual contributions.

THE LESBIAN AND GAY COMMUNITIES IN NEW YORK CITY

Lesbians and gay men are very much a part of the daily life of New York City. Based on sophisticated studies of sexual orientation, it is reasonable to estimate that gay people comprise roughly ten percent of the City's population. This percentage may in fact be considerably higher. New York City is known throughout the nation as a major center of lesbian and gay life; many men and women migrate to the City from around the nation precisely for this reason. The lesbian and gay population of New York City may approach 800,000 to one million individuals. These men and women are found in all walks of city life: in every neighborhood of each borough, in every socio-economic, racial, ethnic and religious group.

Like all New Yorkers, lesbians and gay men experience the joys as well as the hazards of life in a large metropolitan area. Criminal victimization of many varieties is an unfortunate reality in the lives of too many New Yorkers. Individuals who are perceived to be lesbian or gay, however, face additional trauma as part of daily life in the city: Victimization of people simply because of who they are perceived to be looms as a constant threat to the happiness, safety and well-being of every lesbian and gay man in the City.

ANTI-GAY AND ANTI-LESBIAN VIOLENCE

New York City is in the midst of an epidemic of violence directed at lesbians and gay men. A 1983 study by the National Gay and Lesbian Task Force revealed the extent to which New York City residents reported anti-gay and anti-lesbian victimization, (see Appendix IV). This epidemic uncovered in the 1983 study shows no signs of abating. In fact, the New York City Gay and Lesbian Anti-Violence Project has documented a steadily increasing caseload over the last three years. The 247 victims served in 1985 represented a 41% increase over the 1984 caseload. These 1985 cases included 7 homicides, 121 attacks, 22 sexual assaults and 56 robberies. For the first seven months of 1986, the 263 crime victims served put the Project's caseload 91% ahead of the same time period of 1985. The caseload during the first half of 1986 has included 14 homicides, 77 attacks, 17 sexual assaults and 28 robberies, (see Appendices V and VI).

The rapid growth in the Anti-Violence Project client population can be attributed to several factors. Outreach efforts by the Project have increased the general visibility of our work in the gay community and among social service agencies that refer cases to us. In addition, the impact of a radically changing national climate faced by lesbians and gay men must not be underestimated; statements by religious leaders, federal courts and other responsible individuals, agencies and organizations that can be interpreted as condemnatory of lesbians and gay men are taken by some as a license to hurt gay people. The AIDS crisis has also fueled anti-gay sentiment that takes the form of homophobic outbursts scapegoating the gay community for a problem that is not of its making; 28% of the Project's 1985 cases included anti-gay and anti-lesbian violence that was in some way explicitly related to AIDS, (see Appendices VII, VIII and IX).

The Forms of Anti-Gay and Anti-Lesbian Violence

The statistics outlined above and in the appendices suggest that violence against lesbians and gay men remains an expression of bias and bigotry that a large portion of New York City's non-gay population considers socially acceptable behavior. In fact, lesbians and gay men may be one of the few minority groups against which violence is still tolerated without significant social sanction. In New York City, this violent anti-gay and anti-lesbian behavior manifests itself in a variety of different forms, outlined below:

1) Harassment: Harassment is the most common form of illegal behavior directed at those perceived by others to be lesbian or gay. Harassment can occur on the street, in the home, at the workplace -- anywhere at all. Verbal taunts employing homophobic epithets are the most common form of this crime.

2) Menacing: Anti-gay and anti-lesbian menacing is behavior that threatens the safety and well-being of men and women in the home, on the street or at the workplace. Numerous lesbians

and gay men have reported being followed on foot or in cars, being told by fellow employees, relatives, neighbors and strangers that they will be beaten, mutilated, stabbed, shot or in some other way injured.

3) Homophobic Assault: Anti-gay and anti-lesbian attacks often follow acts of harassment or menacing. Assaults can occur on the street, at the workplace and in the home. Most typically, a group of between one and three lesbians or gay men are assaulted by a larger group of young males. Attacks may be perpetrated with or without weapons, and the injuries sustained by the victims include psychological trauma and physical wounds ranging from minor abraisons to compound fractures, surface wounds and internal injuries requiring extensive surgery and lengthy hospitalization.

4) AIDS-Related Assault: AIDS-related attacks are a form of homophobic assault in which specific verbal reference is made to AIDS. The fear of AIDS and underlying homophobic attitudes combine in the assailant's mind and provide a powerful, if misguided, rationalization for attacks against gay men and, surprisingly, lesbians. These attacks most commonly occur on the street, although assaults can be perpetrated by landlords, family members and neighbors in the home as well.

5) Sexual Assault: Sexual assault of both lesbians and gay men confirms a clinical understanding of rape as a crime of domination, humiliation and violence as opposed to a crime of erotic passion. Lesbians report attacks from heterosexual men who claim that they hate lesbians and seek to "cure" their lesbianism through forced heterosexual assault. Gay men also report sexual assaults from heterosexual men; rape is often perceived by assailants as a punishment for gay men, and can be part of a larger attack which includes harassment and homophobic assault.

6) Homicide: In more than a dozen cases since January of 1986, gay men have been found dead as the result of homophobic assaults. In many of these cases, assailants posed as gay men in bars and cruising areas, winning the confidence of their victims and returning with them to the victims' homes. There, attack, murder and in many cases robbery ensues. Bodies are often mutilated by scores of stab wounds and removal of the genitals.

It should be noted that not all victims of anti-gay and anti-lesbian violence are lesbian and gay. The motivation for the assault lies in the perpetrators perception of the victim; the Anti-Violence Project has served a number of heterosexual men and women victimized as a result of the mistaken assumption that they were lesbian or gay.

THE RESPONSE OF THE ANTI-VIOLENCE PROJECT

Since May of 1980, following a series of gang attacks against gay men in Manhattan's west side neighborhood known as Chelsea, the New York City Gay and Lesbian Anti-Violence Project has been providing a variety of services to victims of homophobic crimes. Starting as a telephone hotline run entirely by gay volunteers from the Chelsea area, the Project sought to document the extent of the gang attacks in the neighborhood and convey information from the victims of these assaults to the police. The hotline very quickly began receiving calls and documenting incidents from other parts of the City, and by 1983 the Project had incorporated as a agency serving crime victims in all five boroughs of New York.

Anti-Violence Project services continue to be provided largely by volunteers; the Anti-Violence Project remains a proactive effort on the part of the gay community to monitor the extent of anti-gay and anti-lesbian violence, convey important data to the police and other criminal justice service providers, and offer counseling, advocacy and support services to victims, (see Appendix X).

Direct Services

Peer counselors offer a range of services to Anti-Violence Project clients. Trained by Project staff and other professionals, the volunteers are able to offer supportive counseling following an incident, help victims to sort out the emotional trauma that follows an attack, decide together with victims what actions are to be taken in response to an assault, and determine what types of concrete services and entitlements are available to help with the physical, psychological and financial impacts of being a crime victim. Professional counseling is also available from the Project, and utilized in appropriate situations. All services are provided without charge.

Volunteers are also trained in police methodology, and are available to escort crime victims to the police and to assist in collecting the necessary data and filling out police forms. Should a perpetrators be apprehended, the volunteers are available to serve as court monitors, providing supportive companionship for victims when court appearances are necessary and monitoring the progress of cases as they move through the complex criminal court system.

Indirect Services

Volunteers also engage in indirect services through crime prevention presentations and community education programs. Materials about anti-gay and anti-lesbian violence and Anti-Violence Project services are distributed to bars, community organizations and social service agencies throughout the metropolitan area. Speakers are available to address a variety of concerns related to victimization and its aftermath. Monthly volunteer meetings provide an opportunity for planning outreach activities, as well as for case supervision with the Anti-Violence Project staff professionals.

Working with the Police

The history of gay community-police relations in New York City is long and checkered. Lesbians and gay men, like members of many other minority groups in the United States, are largely suspicious of the police and uncomfortable interacting directly with law enforcement officers. Part of this tension and discomfort is the result of the marginal status lesbians and gay men still have in the mainstream of American society. Yet police-gay community problems are also rooted in a unique historical reality: In New York City, until the state's sodomy statute was declared unconstitutional in 1981, the police were given the responsibility for enforcing the laws often used to persecute gay people. Although the law in New York State has changed, old feelings and hostilities die hard, especially when one considers that the police in almost half of the United States are still engaged in enforcement of local sodomy laws.

Although isolated incidents of homophobic harassment and assault perpetrated by police officers are still reported to the Anti-Violence Project on a regular basis, a broad range of efforts on many fronts has brought the gay community and the New York City Police Department to a new level of mutual understanding that has helped to dissipate much of the tension that leads both to abusive behavior by police and a widespread unwillingness in the gay community to utilize police services.

At the local level, many lesbians and gay men in New York City have engaged in dialogues with the patrol officers in their precincts in an effort to break down the stereotypes and address the myths and misinformation that yield hostile interactions. These dialogues have been the most effective way of reaching individual officers who, when on patrol, are the representatives of the police department interacting most frequently with they gay community.

On a city-wide level, the Police Department Bias Unit has, since the summer of 1985, been available to investigate cases of violence based on anti-gay and anti-lesbian bias. Established initially to investigate crimes motivated by racial, ethnic and religious bigotry, the expansion of the Bias Unit's mandate represents an important step in acknowledging the reality of anti-gay and anti-lesbian violence and the need for a coordinated response. Although cases of anti-gay and anti-lesbian violence are not yet being referred to the Bias Unit from the local precincts with any regularity, the responses of the Bias Unit to those cases they have investigated have been made in a careful, thorough, sensitive and professional fashion.

At the command level, the Mayor's Police Council on Lesbian and Gay Concerns has been an extremely useful forum for addressing the problems and concerns the gay community has encountered in dealing with the police department. Convened jointly by the Chief of Operations for the New York City Police Department and the Mayor's Liaison to the Gay and Lesbian Community, the Council's designated members meet monthly to address both general concerns and specific questions and problems as they arise. The willingness of the police command to hear and respond to the concerns of the lesbian and gay community demonstrates in yet another way the effort being expended to improve what has been and in some ways still remains a problematic relationship.

Gay community-police relations have a long way to go. Homophobic behavior by officers at the precinct level is still regularly reported to the Anti-Violence Project. The gay community, in fact, still remains largely distrustful of the police and many lesbians and gay men continue to refrain from reporting crimes against them to the police. The Anti-Violence Project estimates that 80% of the crimes committed against lesbians and gay men are never reported to the civil authorities. The Police Department Bias Unit remains extremely underutilized for the investigating of lesbian and gay bias crime cases. Local precincts need extensive education in the nature of anti-gay and anti-lesbian violence as a bias crime and in the procedures to follow to engage the Bias Unit in assisting local precinct efforts. At the city-wide level, the function and work of the Mayor's Police Council remains largely unknown among both the gay community and the rank and file of the city police department. Extensive outreach and education by this group could do much to increase the level of trust, communication and cooperation that should be the hallmark of gay community-police interaction.

Working with the Court System

The problems of the criminal court system in New York City are many and complex. Understaffed and overburdened with cases, the system is easy to criticize and hard to impact upon and change with even a limited degree of success. Yet there are rather basic measures that could and in some cases have been implemented to ease the problems and hostilities lesbians and gay men face when they interface with the court system as witnesses and victims.

As with the police, communication and dialogue is an essential first step. In two of the City's five District Attorney's offices, this type of dialogue has begun. The Brooklyn District Attorney's Sex Crimes and Special Victims Bureau has been designated as the unit responsible for prosecuting perpetrators of anti-gay and anti-lesbian violence, and the Bureau's leadership has been receptive to cultivating a productive understanding of lesbian and gay concerns and addressing the special vulnerability lesbian and gay victims experience when they enter the court system subsequent to being crime victims. The Manhattan District Attorney's office has taken their responsibilities one step further: A paralegal assistant in the Sex Crimes and Special Victims Bureau functions as a full-time liaison to the lesbian and gay community on behalf of the District Attorney. An openly gay employee, this liaison serves a variety of essential functions from interviewing and processing witnesses to educating and assisting prosecutors. The liaison creates an environment that makes the District Attorney's office more receptive and responsive to lesbian and gay victims *and* more effective in prosecuting cases and obtaining convictions.

The appointment of this liaison, however, is an insufficient response from the courts and prosecutorial offices city-wide, given the volume of lesbian and gay cases moving through the criminal justice system. Each District Attorney should hire openly gay and lesbian staff to function as community liaisons. Extensive trainings about anti-gay and anti-lesbian violence, the experience of lesbian and gay victims, and the means to countering homophobic defense strategies are badly neeeded both for prosecutors and for court clerks, officers and judges. Lesbian and gay crime victims still face a largely hostile criminal justice system that re-victimizes them in a variety of ways, rather than providing the type of supportive and caring environment that helps to heal the wounds of homophobic violence.

RECOMMENDATIONS

Reflection upon the work of the Anti-Violence Project as well as the efforts of the police department and the court system to develop supporitve services for lesbian and gay crime victims can produce an extensive list of recommendations for useful interventions that can be made by gay organizations, police and prosecutors at the local level in municipalities throughout the nation. The limited success we've had in New York City in providing assistance to survivors of anti-gay and anti-lesbian violence should, however, not be overestimated. Even in New York, the vast majority of the victims of homophobic violence never report the crimes against them and never get help -- from anyone. Most often, these victims suffer the agony of victimization and its aftermath isolated from the support systems that might, in a somewhat more perfect world, be available to help them. We are, in short, barely scratching the surface.

Much can be done to facilitate a meaningful response to the problem of anti-gay and anti-lesbian violence at the local, state and federal levels. Without addressing the potential for change at the local and state levels that are beyond the perview of this subcommittee, there are two recommendations I would like this committee to consider that would have a significant impact upon the problem of anti-gay and anti-lesbian violence.

1) Passage of National Gay Rights Legislation: Legislation that protects the civil rights of lesbians and gay men throughout the United States is an essential step towards the curbing of anti-gay violence. Legislation is needed that prohibits discrimination against lesbians and gay men in the areas of housing, employment, public accomodation and public services. The enactment of a law of this type will have two distinct impacts on the problem of anti-gay and anti-lesbian violence. First, it will increase the willingness among lesbian and gay victims to report crimes to the police. At present, without these rights secured in most parts of the nation, lesbians and gay men fear acts of discrimination that could follow disclosure of a homosexual orientation in public police or court records. Where no laws protecting the rights of gay people exist, such a disclosure could result in loss of employment, residence or access to public services. A national gay rights bill prohibiting such discrimination would lead to less fear of negative consequences to the persuit of justice when victimization occurs. Second, a national gay rights bill will send an unequivocal message to all Americans that the country's highest legislative authorities do not condone acts of discrimination, harassment or violence against lesbians and gay men. Those who interpret the present lack of such legislation as license to attack gay and lesbian people will no longer have this excuse to rationalize their viciousness. By acting on legislation protecting the civil rights of lesbians and gay men, anti-gay and anti-lesbian violence will become an un-American activity.

2) Further Study of Anti-Gay and Anti-Lesbian Violence and Development of Concrete Proposals for Intervention: The Criminal Justice Subcommittee is to be commended for scheduling these hearings and gathering this testimony. This effort represents an important first step in addressing the problem of anti-gay and anti-lesbian violence at the national level. I would like to encourage Congress to continue this work, and I recommend that committee staff or other designated professionals be employed to study the issue in greater detail. Hearings of this type could be conducted at locations throughout the country. Sophisticated research studies could be funded and implemented. Such work by Congress would not only help to uncover the true extent of anti-

gay and anti-lesbian violence throughout the United States, but it would also allow for the development of a series of concrete interventions upon which Congress could act. These interventions could include: National hate crime legislation addressing the problem of anti-gay and anti-lesbian violence; increased funding for anti-violence work at the local and state levels; and coordinated data collection and analysis of crimes against lesbians and gay men.

CONCLUSION

Anti-gay and anti-lesbian violence remains one of the most under-reported, hidden crime problems in the United States of America. These hearings are an invaluable first step in examining this problem at the national level and moving towards constructive solutions. I hope that the testimony presented today will lead towards further concrete actions by the Criminal Justice Sub-Committee, the House Judiciary Committee and the Congress as a whole.

I would like to thank the Committee for providing the opportunity to present this testimony.

David Max Wertheimer, M.Div., M.S.W., C.S.W.
Executive Director
New York City Gay and Lesbian Anti-Violence Project

Anti-Violence Project
APPENDIX I

DAVID MAX WERTHEIMER M.Div., M.S.W., C.S.W.
Biographical Information

David Max Wertheimer is the Executive Director of the New York City Gay and Lesbian Anti-Violence Project. A native of Manhattan's Lower Eastside, Mr. Wertheimer is a graduate of Haverford College, Yale University Divinity School and the University of Connecticut School of Social Work. He has made presentations throughout the country on the subject of anti-gay violence, sexual assault and domestic violence. Between 1984 and 1986, Mr. Wertheimer was a Lecturer in Pastoral Theology at Yale University. Mr. Wertheimer has also been employed by the Victim Services Agency of New York City to enhance agency services for lesbian and gay survivors of violence.

Mr. Wertheimer is a member of the Gay and Lesbian Mental Health Needs Advisory Committee of the New York City Department of Mental Health, the Mayor's Police Council on Lesbian and Gay Concerns, the National Association of Social Workers, the National Gay and Lesbian Task Force, the National Organization for Victims Assistance, and the New York City Task Force Against Sexual Assault. He is also a member of the Corporation of Haverford College.

ANTI-VIOLENCE PROJECT
APPENDIX II

AVP

NYC Gay & Lesbian
Anti-Violence Project

(212) 807-0197

The New York City Gay & Lesbian Anti-Violence Project was established in 1980 to address the problem of anti-gay and anti-lesbian violence and to meet the needs of lesbian and gay crime victims.

The Anti-Violence Project offers counseling and general assistance to lesbians and gay men who have experienced homophobic violence, sexual assault, domestic violence, and other types of criminal victimization.

The Project operates a hotline staffed largely by volunteers from the community. Court monitoring and advocacy services are also provided.

The volunteers and staff of the Anti-Violence Project engage in educational activities to familiarize the community with the nature and patterns of anti-gay and anti-lesbian violence, and to increase the sensitivity of other crime victim service providers to the needs of lesbian and gay crime victims.

The Anti-Violence Project publishes a newsletter which addresses issues of concern to the lesbian and gay community.

Call the project at (212) 807-0197 to:

- Report incidents of victimization
- Obtain counseling and referrals
- Volunteer as a peer counselor or court monitor
- Be added to our mailing list

Tax-deductible contributions are needed to support our activities. Checks can be made out to NYCGLAVP and sent to:

New York City Gay & Lesbian
Anti-Violence Project
80 Eighth Ave.
Suite 1107
New York, NY 10011

APPENDIX III

NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT
80 EIGHTH AVENUE, SUITE 1107
NEW YORK, NEW YORK 10011
OFFICE TEL. (212) 807-6761

STATEMENT OF PURPOSE

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Ann Lahiff

The New York City Gay and Lesbian Anti-Violence Project provides counseling and general assistance to lesbians and gay men who have experienced homophobic violence, sexual assault, domestic violence and other types of criminal victimization.

The Project operates a hotline staffed largely by volunteers, and offers victims of violence and their lovers, families and friends a variety of services, including:

- Telephone peer counseling
- In-person professional counseling (by appointment)
- Assistance in reporting incidents to the police
- Advocacy with criminal justice agencies
- Monitoring of cases in the criminal court system
- Referrals to legal, medical and social services
- Assistance in filing for crime victim compensation

The Project also engages in community outreach and public education on the nature and patterns of anti-gay and lesbian violence in New York City and the psychological, financial, legal, medical and other traumas experienced by gay and lesbian victims of violence. Through these efforts the Project seeks to reduce the incidence of anti-gay and lesbian violence and to increase the sensitivity of non-gay service providers to the needs of lesbian and gay victims.

Hotline: (212) 807-0197

APPENDIX IV

NEW YORK CITY ANTI-GAY/LESBIAN VICTIMIZATION STATISTICS
As culled from the National Gay Task Force
national study: Anti-Gay/Lesbian Victimization

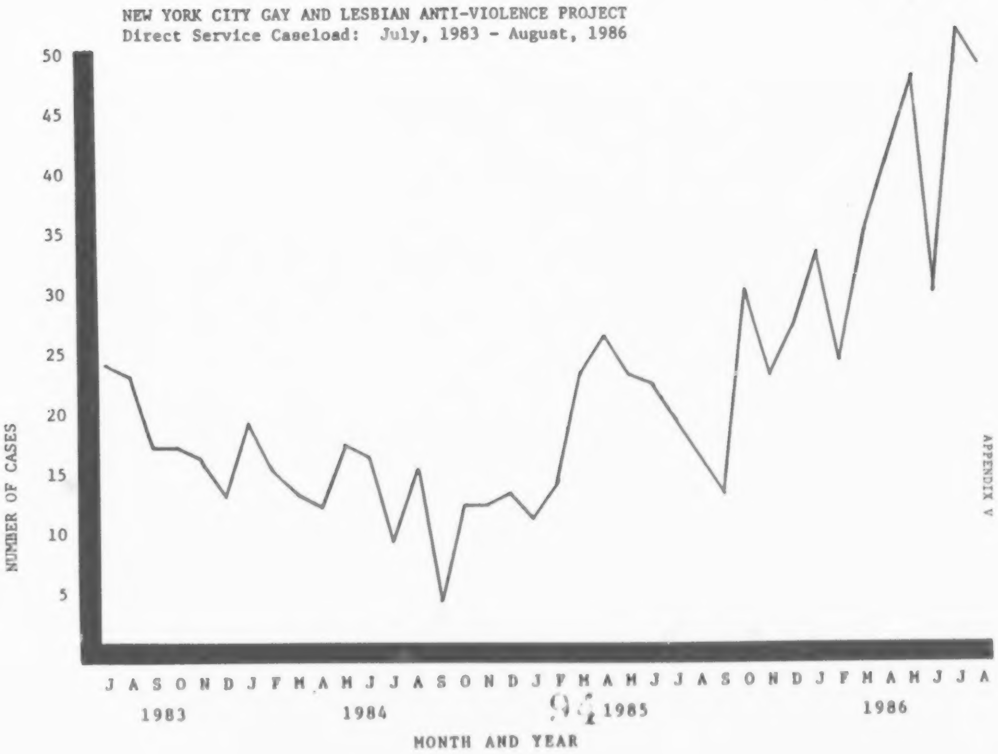
Sample Size for New York City: 259 Males (54.6%)
215 Females (45.4%)

Survey requested responses for victimization related explicitly to a homosexual orientation.

TYPE OF VICTIMIZATION	% Males	% Females	Average %
Name Calling	91.1	80.0	85.5
Threatened with Violence	47.1	34.0	40.5
Objects Thrown At	36.6	19.2	27.9
Chased or Followed	34.9	29.2	32.0
Spit At	15.4	15.6	15.5
Punched, hit, kicked, beaten	22.2	8.1	15.1
Assault with a weapon	12.9	4.3	8.6
Arson or vandalism to property	17.1	12.3	14.7
Sexual Harassment or assault	32.3	36.7	34.5
Harassed, threatened or attacked by police	12.1	10.5	11.3
Taunted or harassed by Family Member:			
Father	11.7	17.5	14.6
Mother	10.9	20.7	15.8
Sister	8.8	10.6	9.7
Brother	12.3	14.4	13.3
Other Relative	13.1	18.1	15.6
Acts of Violence by Family Member:			
Father	3.3	2.7	3.0
Mother	1.3	3.7	2.5
Sister	1.3	0.6	0.9
Brother	3.1	3.3	3.2
Other Relative	0.4	3.2	1.8

(See NGTF Study for additional details on nature of questionnaire, sampling techniques and breakdown of number of times each incident reported above was experienced by individual respondants.)

APPENDIX V



NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT
Direct Service Caseload: July, 1983 - August, 1986

APPENDIX VI

NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT
80 EIGHTH AVENUE, SUITE 1107
NEW YORK, NEW YORK 10011
OFFICE TEL. (212) 807-6761

VIOLENCE IN THE LIVES OF LESBIANS AND GAY MEN

South Bronx, New York: A lesbian couple is evicted by a landlady who "discovers" their relationship after peering through a ground floor window. In the course of attempting to serve the landlady with a Housing Court summons, the two women are attacked by the landlady's son and several of his friends. One of the victims is beaten and stabbed with a knife; she faces months of reconstructive surgery.

Greenwich Village, New York: Three gay teenagers are harassed with anti-gay epithets by five young men driving in a station wagon. As the car makes a second pass by the youths, one of the passengers leans out a rear window and strikes one of the youths in the back of the head with a golf club. The blow fractures the victim's skull; he spends the next four hours on an operating table at Saint Vincent's Hospital.

In a 1983 survey of lesbians and gay men in New York City, the following statistics of violent acts specifically related to sexual orientation were reported:

- 22% of the men had been punched, hit, kicked or beaten
- 36% of the women had been sexually harassed or assaulted
- 32% of the men and women had been chased or followed
- 40% of the men and women had been threatened with violence
- 85% of the men and women had been verbally harassed

It is estimated that 80% of the crimes against lesbians and gay men are never reported to the police. Victims are both fearful of an unsympathetic response from the authorities, as well as worried about acts of discrimination that could result from disclosure of their sexual orientation.

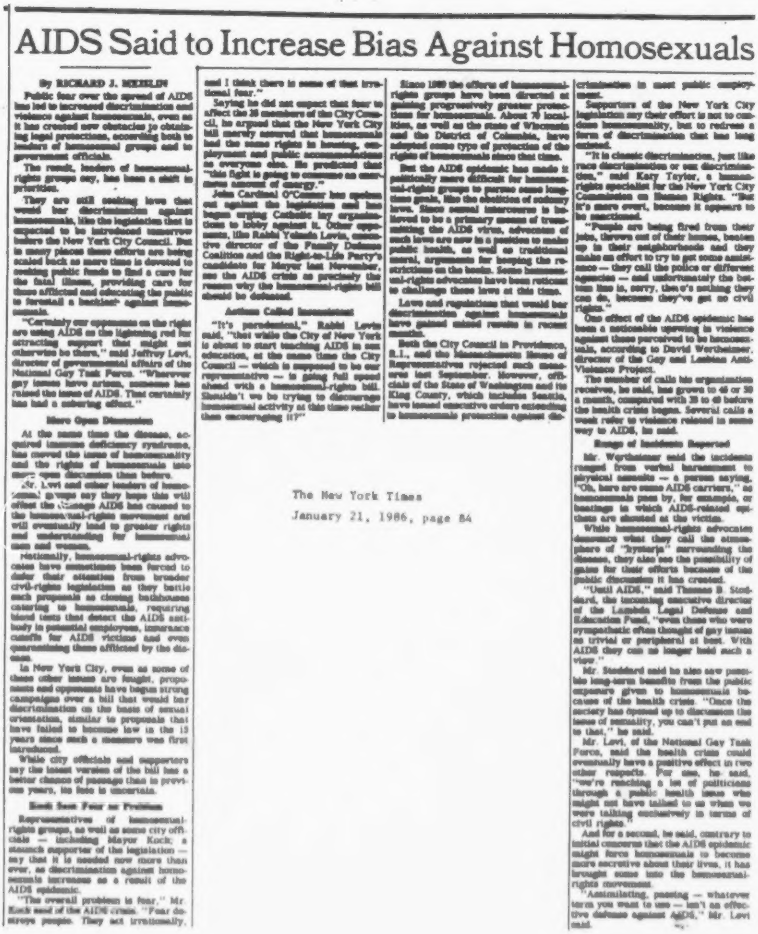
The New York City Gay and Lesbian Anti-Violence Project, Inc., founded in 1980, provides counseling and general assistance to lesbians and gay men who have experienced homophobic violence, sexual assault, domestic violence and other types of criminal victimization. The Project also maintains formal liaison with local police precincts, the Police Bias Unit, the Mayor's Police Council, various district attorney's offices and other service providers in the criminal justice system.

- In 1985, the 249 crime victims served by the Anti-Violence Project represented a 41% increase in the Project's caseload from the previous year.
- 28% of the Anti-Violence Project's 1985 cases involved violence against persons with AIDS or explicit use of AIDS-related epithets by assailants.
- During the first 7 months of 1986, the Anti-Violence Project provided direct services to 263 lesbian and gay crime victims. This represents a 91% increase in the Project's caseload when compared to the first 7 months of 1985.

For additional information, contact the Anti-Violence Project at the telephone numbers listed on this page.

September, 1986

Hotline: (212) 807-0197



AIDS Said to Increase Bias Against Homosexuals

By RICHARD J. MEISLIN

Public fear over the spread of AIDS has led to increased discrimination and violence against homosexuals, even as it has created new obstacles to obtaining legal protections, according both to leaders of homosexual groups and to government officials.

The result, leaders of homosexual-rights groups say, has been a shift in priorities.

They are still seeking laws that would bar discrimination against homosexuals, like the legislation that is expected to be introduced tomorrow before the New York City Council. But in many places these efforts are being scaled back as more time is devoted to seeking public funds to find a cure for the fatal illness, providing care for those afflicted and educating the public to forestall a backlash against homosexuals.

"Certainly our opponents on the right are using AIDS as the lightning rod for attracting support that might not otherwise be there," said Jeffrey Levi, director of governmental affairs of the National Gay Task Force. "Wherever gay issues have arisen, someone has raised the issue of AIDS. That certainly has had a sobering effect."

More Open Discussion

At the same time the disease, acquired immune deficiency syndrome, has moved the issue of homosexuality and the rights of homosexuals into more open discussion than before.

Mr. Levi and other leaders of homosexual groups say they hope this will offset the damage AIDS has caused to the homosexual-rights movement and will eventually lead to greater rights and understanding for homosexual men and women.

Nationally, homosexual-rights advocates have sometimes been forced to defer their attention from broader civil-rights legislation as they battle such proposals as closing bathhouses catering to homosexuals, requiring blood tests that detect the AIDS antibody in potential employees, insurance cutoffs for AIDS victims and even quarantining those afflicted by the disease.

In New York City, even as some of these other issues are fought, proponents and opponents have begun strong campaigns over a bill that would bar discrimination on the basis of sexual orientation, similar to proposals that have failed to become law in the 15 years since such a measure was first introduced.

While city officials and supporters say the latest version of the bill has a better chance of passage than in previous years, its fate is uncertain.

Koch Sees Fear as Problem

Representatives of homosexual-rights groups, as well as some city officials — including Mayor Koch, a staunch supporter of the legislation — say that it is needed now more than ever, as discrimination against homosexuals increases as a result of the AIDS epidemic.

"The overall problem is fear," Mr. Koch said of the AIDS crisis. "Fear destroys people. They act irrationally, and I think there is some of that irrational fear."

Saying he did not expect that fear to affect the 35 members of the City Council, he argued that the New York City bill merely assured that homosexuals had the same rights in housing, employment and public accommodations as everyone else. He predicted that "this fight is going to consume an enormous amount of energy."

John Cardinal O'Connor has spoken out against the legislation and has begun urging Catholic lay organizations to lobby against it. Other opponents, like Rabbi Yehuda Levin, executive director of the Family Defense Coalition and the Right-to-Life Party's candidate for Mayor last November, see the AIDS crisis as precisely the reason why the homosexual-rights bill should be defeated.

Actions Called Inconsistent

"It's paradoxical," Rabbi Levin said, "that while the City of New York is about to start teaching AIDS in sex education, at the same time the City Council — which is supposed to be our representative — is going full speed ahead with a homosexual-rights bill. Shouldn't we be trying to discourage homosexual activity at this time rather than encouraging it?"

Since 1969 the efforts of homosexual-rights groups have been directed at gaining progressively greater protections for homosexuals. About 70 localities, as well as the state of Wisconsin and the District of Columbia, have adopted some type of protection of the rights of homosexuals since that time.

But the AIDS epidemic has made it politically more difficult for homosexual-rights groups to pursue some long-time goals, like the abolition of sodomy laws. Since sexual intercourse is believed to be a primary means of transmitting the AIDS virus, advocates of such laws are now in a position to make public health, as well as traditional moral, arguments for keeping the restrictions on the books. Some homosexual-rights advocates have been reticent to challenge those laws at this time.

Laws and regulations that would bar discrimination against homosexuals have gained mixed results in recent months.

Both the City Council in Providence, R.I., and the Massachusetts House of Representatives rejected such measures last September. However, officials of the State of Washington and its King County, which includes Seattle, have issued executive orders extending to homosexuals protection against discrimination in most public employment.

Supporters of the New York City legislation say their effort is not to condone homosexuality, but to redress a form of discrimination that has long existed.

"It is classic discrimination, just like race discrimination or sex discrimination," said Katy Taylor, a human-rights specialist for the New York City Commission on Human Rights. "But it's more overt, because it appears to be sanctioned.

"People are being fired from their jobs, thrown out of their homes, beaten up in their neighborhoods and they make an effort to try to get some assistance — they call the police or different agencies — and unfortunately the bottom line is, sorry, there's nothing they can do, because they've got no civil rights."

One effect of the AIDS epidemic has been a noticeable upswing in violence against those perceived to be homosexuals, according to David Wertheimer, director of the Gay and Lesbian Anti-Violence Project.

The number of calls his organization receives, he said, has grown to 40 or 50 a month, compared with 35 to 40 before the health crisis began. Several calls a week refer to violence related in some way to AIDS, he said.

Range of Incidents Reported

Mr. Wertheimer said the incidents ranged from verbal harassment to physical assaults — a person saying, "Oh, here are some AIDS carriers," as homosexuals pass by, for example, or beatings in which AIDS-related epithets are shouted at the victim.

While homosexual-rights advocates denounce what they call the atmosphere of "hysteria" surrounding the disease, they also see the possibility of gains for their efforts because of the public discussion it has created.

"Until AIDS," said Thomas B. Stoddard, the incoming executive director of the Lambda Legal Defense and Education Fund, "even those who were sympathetic often thought of gay issues as trivial or peripheral at best. With AIDS they can no longer hold such a view."

Mr. Stoddard said he also saw possible long-term benefits from the public exposure given to homosexuals because of the health crisis. "Once the society has opened up to discussion the issue of sexuality, you can't put an end to that," he said.

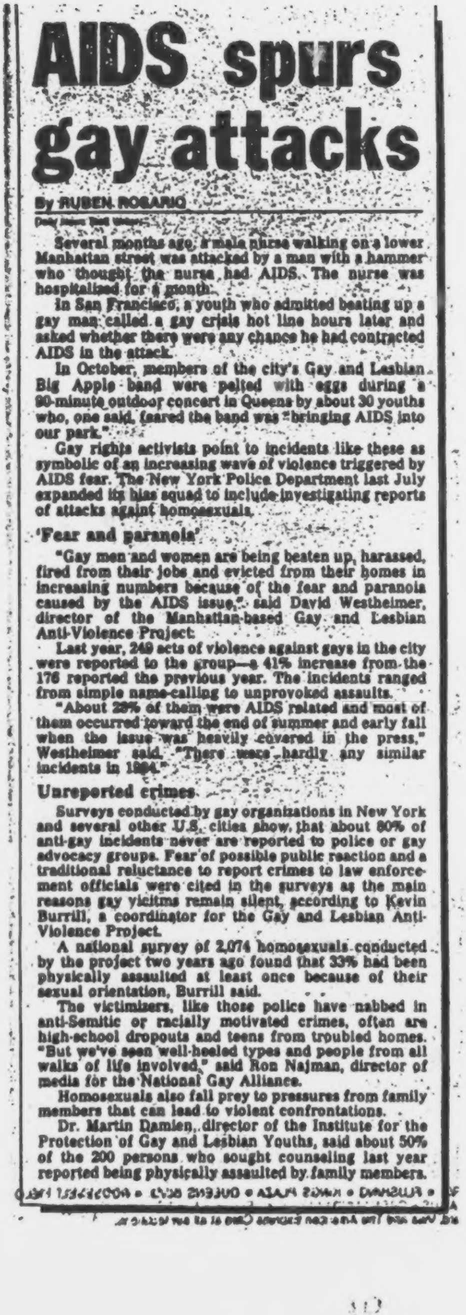
Mr. Levi, of the National Gay Task Force, said the health crisis could eventually have a positive effect in two other respects. For one, he said, "we're reaching a lot of politicians through a public health issue who might not have talked to us when we were talking exclusively in terms of civil rights."

And for a second, he said, contrary to initial concerns that the AIDS epidemic might force homosexuals to become more secretive about their lives, it has brought some into the homosexual-rights movement.

"Assimilating, passing — whatever term you want to use — isn't an effective defense against AIDS," Mr. Levi said.

The New York Times
January 21, 1986, page 84

APPENDIX VIII



AIDS spurs gay attacks

By RUBEN ROSARIO

Daily News Staff Writer

Several months ago, a male nurse walking on a lower Manhattan street was attacked by a man with a hammer who thought the nurse had AIDS. The nurse was hospitalized for a month.

In San Francisco, a youth who admitted beating up a gay man called a gay crisis hot line hours later and asked whether there were any chance he had contracted AIDS in the attack.

In October, members of the city's Gay and Lesbian Big Apple band were pelted with eggs during a 90-minute outdoor concert in Queens by about 30 youths who, one said, feared the band was "bringing AIDS into our park."

Gay rights activists point to incidents like these as symbolic of an increasing wave of violence triggered by AIDS fear. The New York Police Department last July expanded its bias squad to include investigating reports of attacks against homosexuals.

'Fear and paranoia'

"Gay men and women are being beaten up, harassed, fired from their jobs and evicted from their homes in increasing numbers because of the fear and paranoia caused by the AIDS issue," said David Westheimer, director of the Manhattan-based Gay and Lesbian Anti-Violence Project.

Last year, 249 acts of violence against gays in the city were reported to the group—a 41% increase from the 176 reported the previous year. The incidents ranged from simple name-calling to unprovoked assaults.

"About 28% of them were AIDS related and most of them occurred toward the end of summer and early fall when the issue was heavily covered in the press," Westheimer said. "There were hardly any similar incidents in 1984."

Unreported crimes

Surveys conducted by gay organizations in New York and several other U.S. cities show that about 80% of anti-gay incidents never are reported to police or gay advocacy groups. Fear of possible public reaction and a traditional reluctance to report crimes to law enforcement officials were cited in the surveys as the main reasons gay victims remain silent, according to Kevin Burrill, a coordinator for the Gay and Lesbian Anti-Violence Project.

A national survey of 2,074 homosexuals conducted by the project two years ago found that 33% had been physically assaulted at least once because of their sexual orientation, Burrill said.

The victimizers, like those police have nabbed in anti-Semitic or racially motivated crimes, often are high-school dropouts and teens from troubled homes. "But we've seen well-heeled types and people from all walks of life involved," said Ron Najman, director of media for the National Gay Alliance.

Homosexuals also fall prey to pressures from family members that can lead to violent confrontations.

Dr. Martin Damien, director of the Institute for the Protection of Gay and Lesbian Youths, said about 50% of the 200 persons who sought counseling last year reported being physically assaulted by family members.

New York Daily News, Sunday, February 16, 1986, page 31

APPENDIX IX

THE VOLUNTEER

GMHC The GMHC Newsletter Because Everyone Is a Volunteer Volume 3 No. 6

The Rise in AIDS-Related Violence

by David M. Wertheimer, M.Div., C.S.W.

It's a Friday night on a crowded street in Greenwich Village. Juan and Peter are walking home when they find themselves being followed by a group of young men calling out, "There go some AIDS carriers! Let's get them!" By the time the police arrive, Peter has been struck over the head with a garbage can. Juan has been beaten and is about to be thrown through a plate glass shop window.

A steady flow of reports detailing violence against people with AIDS or AIDS-Related Complex and those perceived to be people with AIDS, has been documented by the New York City Gay and Lesbian Anti-Violence Project since late last summer. Acts of physical violence on the street and in the home have become an all too familiar problem for many PWA's and others perceived to be in high risk groups.

Attacks have ranged in severity from verbal harassment in public to felonious assault to murder. Harassment and assault by strangers seem to be motivated by the public's irrational reaction to AIDS, as well as by homophobia. Attacks have occurred in all five boroughs, at virtually all hours of the day and night, on crowded avenues and subway cars and deserted streets and parks. The perpetrators are usually young and almost exclusively male.

The Park Slope street in Brooklyn is quiet late on Saturday night. Paul is coming home from a newsstand with a Sunday paper when three young men run out of the doorway, grab Paul's paper and strew it over the sidewalk. "You faggots give us AIDS!" shouts one of the assailants as Paul is knocked to the ground. Two of the attackers begin to kick Paul in the face and body as the third keeps an eye out for "trouble." Observing the intensity of the attack, the third youth suddenly says, "Don't make him bleed! If he bleeds on you, you'll get AIDS!" The three run off down the street, leaving Paul and his paper laying in the gutter.

The Anti-Violence Project recorded the most significant increases in this type of assault in late summer and early fall of 1985. Media coverage of the Queens school board debate over whether to allow students with AIDS into school and the news of Rock Hudson's death seem to have fueled this form of violence. The victims of this type of assault have been persons with AIDS, gay men perceived to have AIDS, lesbians and others who, because of their physical condition or appearance, are mistakenly identified as persons with AIDS.

The news of an AIDS diagnosis was more than enough for Henry to deal with. While he wasn't anticipating a great deal of support from his ex-lover roommate, the last thing he expected was to be attacked with a hammer by his roommate's new boyfriend. Henry survived the five blows that left gashes in his head. When the perpetrator of this crime was released only hours after the incident, Henry had to face the task of finding secure alternative housing in a city less than hospitable to persons with AIDS.

Violence can also happen in the home. Family members, acquaintances and even lovers have at times lashed out verbally and physically against people with AIDS. The Anti-Violence Project has also received reports from individuals about persons with AIDS who engage in abusive and violent behavior towards others in their homes. Family and domestic violence most frequently go unreported. It is extremely difficult to find assistance in trying to deal with this problem.

For two years after his diagnosis, Mary cared for her husband and shared with him the ups and downs of his medical condition. Tension built, however, over his insistence on continuing sexual relations with his wife without using safer sex precautions. As Mary learned of the risks of this activity, she became reluctant to participate. This reaction enraged her husband who on numerous occasions beat Mary close to unconsciousness and then raped her.

Any form of violence experienced by an individual adds enormous stress (and often risk) to everyday living. If someone has been attacked on the street, s/he often becomes fearful of going out to accomplish daily chores. A person who has been attacked on the subway may fear using public transportation and find his or her ability to get to work or enjoy the city severely impaired. In the home, confusion, anxiety and tension inevitably build over time when the individuals who love and care for an ailing family member either become violent or experience violence.

The physical and psychological wounds of being a crime victim take time and effort to heal. The experience of the Anti-Violence Project indicates that the type of stress caused by criminal victimization is detrimental to the emotional and physical health of all crime victims, but especially to those who are immune suppressed.

Assistance in dealing with the crisis of victimization is available. Founded in 1980, the New York City Gay and Lesbian Anti-Violence Project provides a range of services to victims of violence, their families and lovers. Peer counseling is available, as well as a volunteer escort service to help in the reporting of crimes to the police and a court monitoring program that tracks cases through the criminal justice system. Case consultations and referrals are also provided. Funded in large part by the New York State Crime Victims Board, all services provided by the Anti-Violence Project are free and confidential. If you or someone you care about has been the victim of violence, you can call the Anti-Violence Project at (212) 807-0197 to report the crime and get help.

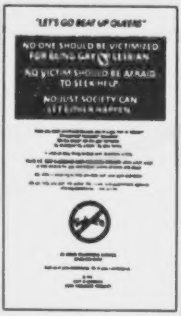
David M. Wertheimer is the Executive Director of the NYC Gay & Lesbian Anti-Violence Project

APPENDIX X

Gay Bashing on the Rise?

Anti-Violence Project Battles Assaults and Murders

by Barry Adkins



"LET'S GO BEAT UP QUEERS"

NO ONE SHOULD BE VICTIMIZED FOR BEING GAY OR LESBIAN

NO VICTIM SHOULD BE AFRAID TO SEEK HELP

NO JUST SOCIETY CAN LET EITHER HAPPEN

Violence against gay men and lesbians may be on the rise in New York City. There is a serial killer in Queens. Hispanic gay males are the target. At least three gay men have been murdered in Manhattan within the last month, and assaults on gay men and lesbians are frequent. What can you do to protect yourself? Who can you trust? Who do you call?

The New York City Gay and Lesbian Anti-Violence Project has been working to halt violence against homosexuals since 1981. A gay rights bill was passed in the city on March 20. With gay men and lesbians more visible—and legally protected—will violence naturally curtail itself?

Some say yes, some say no. Many believe that increased visibility is in itself pushing up the statistics, because gay men and lesbians are no longer afraid to report crimes against them by those who hate homosexuals or those who are afraid of AIDS. In any case, violence against people of our community is crippling, and unfortunately, all too typical.

A "Typical" Case

In November 1985, "John" was walking home from the Roosevelt Avenue subway stop in Jackson Heights, Queens, at about 11 p.m. He saw a group of guys hanging out by what appeared to be a police car (he later found out it was an abandoned security patrol vehicle) parked in front of a school yard. John had a camera slung over the shoulder of his brown leather bomber jacket, his khaki slacks keeping time as he walked along the sidewalk. As he approached the group, he walked across the street to avoid crashing the guys' party. As he passed the group on the opposite sidewalk, he heard one of them say, "Look, a faggot with a camera!"

John did not glance in their direction, but peripherally, he saw a large, "football player type," disengage from the group and begin following him. The guy continued the verbal attack.

John remained cool and maintained a steady pace. Suddenly, without warning, he found himself face down on the sidewalk, his face crushed into the cement. (Later, he learned he had a fractured elbow, bruised ribs, and a ripped-up thigh.) Recovering from the jolt, John sprang to his feet and backed away from the assailant.

"What's wrong with you?" he called, mentally noting that the man appeared very intoxicated.

"You're a faggot," came the reply.

A standoff ensued, with John walking backwards, the assailant wobbling forward.

Eventually, the police arrived. (Some passers-by must have called them.) The police immobilized John's assailant. John said that at least one policeman was afraid of being exposed to the blood—afraid of catching AIDS. John's clothing was covered in red, the blood reaching down to his shoes.

While being questioned for about a half hour by the police, John informed them that he must go immediately to the emergency room as he had a condition called thrombocytopenia. Before being taken to the hospital, John asked one of the officers whether he should get a good look at the assailant in order to make a positive identification later. An officer informed him that it wasn't necessary. The assailant had been arrested.

Over the next couple of days, John attempted to reach the police to inquire about the situation, but no one returned his calls. He visited his hematologist, to make sure his condition was stable. To his surprise, the police had managed to track down his doctor, to find out whether or not the officers on the scene may have "come into contact with AIDS." John's doctor refused to give the police any medical information.

Finally, John received a communication, informing him that his attacker was to be arraigned in court. He was told that he need not be represented by legal counsel. When John arrived in court, the judge asked him to sign the briefs compiled by the District Attorney's office. John asked the judge whether or not he should read them before signing. The judge told him that would be impossible—it was routine procedure.

Thumbing through the papers, however, John noticed several factual errors in the police department's description of the assault. The judge, a little irritated, explained that the arraignment would proceed, as the defendant had plea bargained and agreed to plead guilty to a Class B misdemeanor, attempted assault and battery.

John informed the judge that there was nothing "attempted" about the assault. He produced photographs of his injuries. He argued. The judge was increasingly annoyed.

John's protestations came to nothing. His assailant was eventually sentenced to 60 days in jail for attempted assault and battery. After the arraignment, John called the Gay and Lesbian Anti-Violence Project and told them his story. Unfortunately, it was too late. Had he called earlier, it is possible the project might have been able to pursue a stronger outcome on several counts.

John's case is typical, and the New York City Gay and Lesbian Anti-Violence Project is similar to organizations in other cities. The project offers telephone counseling, in-person professional counseling by appointment, assistance in reporting incidents to the police, advocacy with criminal justice agencies, monitoring of cases in the criminal court system, legal, medical, and social services referrals, and assistance in filing for crime victim compensation.

When John called the project, he was helped with victim compensation information. John's testimony about the "AIDS incident" may well prove to be of use in future cases. But, essentially, John's case is closed. Now he must live with the psychological repercussions and the inadequacies of the judicial system, what John calls "The Second Wound."

Project Works With Police

The Anti-Violence Project also works closely with the police department in helping to solve crimes against gay men and lesbians. Recently, the project has been working with the Bias Unit of the New York City Police Department. Under department guidelines, however, the Bias Unit may only investigate crimes which involve a specific, blatantly displayed prejudice or "bias" on behalf of the assailant or assailants.

Although violence against homosexuals appears to be growing in New York City (the number of clients at the project increased by 41% between 1984 and 1985), it is difficult to prove. Many have attributed the alleged increase to the fear of AIDS, and the resultant stigmatization suffered primarily by gay men, but also by lesbians. Still, it is believed that 80% of cases of violence against homosexuals go unreported.

In 1985, the project documented 349 cases of harassment and/or violent assaults against gay men and lesbians, 28% of which were in some way related to AIDS. David Wertheimer, the executive director of the project since last fall, believes that the passage of Local Law 2, the "gay rights bill," will encourage more people to report their crimes. At a recent City Council General Welfare Committee hearing on amendments to Local Law 2, Wertheimer explained, "Many victims of anti-gay and anti-lesbian violence are reluctant to report these crimes to the police. Fearing possible acts of discrimination in employment, housing, and public accommodations that could at that time (before passage of Local Law 2) legally have followed the public disclosure of a homosexual orientation, the vast majority of lesbian and gay victims suffered the pain and anguish of crisis in silence."

Although Wertheimer emphasizes the project's productive relationship with the Bias Unit, not many cases get that far. There are all kinds of police in this city, many of them insensitive, or even hostile, to homosexuals. It is the responsibility of local precincts to forward bias cases to the unit. In January the project handled 33 clients, 20 of whom had reported their cases to the police. Wertheimer protested, "In our opinion, at least seven of these cases should have been forwarded to the Bias Unit. As far as we know, only one of these incidents made it that far."

The project now assists the Bias Unit in a way not thought possible a few years ago. The Bias Unit normally only accepts information signed by a complainant or witness. Now, however, a person with information about a crime can speak in complete confidence to the project, and the pertinent information will be passed on to the Bias Unit.

Captain Donald Bromberg, commanding officer of the Bias Unit, told the *Native*, "We will take that information as general information," and use it to investigate the case. And the police need this kind of help, especially in murder cases.

Serial Killings?

Although it is not unusual for the project to be involved in homicides, the last nine months have produced a frightening series of murders. Three of them are believed to be linked, possibly the work of a serial killer. When addressing the recent City Council General Welfare Committee hearings on amendments to Local Law 2 (*Native* 157), Wertheimer called attention to these homicides.

"Right now," he explained, "the Anti-Violence Project is actively engaged in assisting the police in trying to solve a series of killings of Hispanic gay men in Jackson Heights, Queens. Many individuals with important information about these homicides have only recently begun to come forward." In arguing that Local Law 2 should not be diluted with amendments, Wertheimer continued, "Many fear acts of discrimination that might follow their being associated with these cases as gay residents of Queens."

The Queens murders involve three "dark-skinned" Hispanic gay males, who were strangled in their apartments. All of the victims were found clothed and tied up. There were no signs of forced entry. Investigators said the victims—Pedro Gonzalez, Felix Benetiz, and Robert Patterson—all lived within 18 blocks of one another in the Jackson Heights area. Deputy Chief Joseph Borelli of the Queens detective division, said that the victims had all frequented the same two gay bars: the Estrella on Roosevelt Avenue in Jackson Heights, and Excelsior, on Eighth Avenue between 31st and 32nd Streets in Manhattan. According to police reports, none of the homicides involved sexual activity. Police said they believe there may have been more than one person involved, as in two cases large televisions and video recorders were stolen. Wertheimer has theorized that the murderer may have "picked up" and befriended the victims, and then returned with another person at a later date. Police purport that the victims may have known the assailant or assailants.

Gonzalez, 43, worked in a Manhattan restaurant. His body was found March 21. On January 18, Patterson, 36, was found dead in his living room. He was a psychiatric assistant in Queens. Benetiz, a female impersonator, was 27 years old. He was found asphyxiated in his bedroom on July 16, 1985.

Even though police have several leads in the cases, nothing has been concluded. Wertheimer said several informants who called the project have been instrumental in the police investigation.

Bromberg told the *Native*, "I think that Mr. Wertheimer helped us in Queens. We weren't able to get anybody to talk to us." Wertheimer pointed out that cultural barriers often prevent potential informants from going to police. Bromberg conceded, "If it wasn't for the project, we wouldn't have been able to go anywhere" with the case.

Manhattan Murders

While detectives continued the investigation in Queens, two murders recently occurred in Manhattan which Wertheimer fears may be related to the Jackson Heights homicides, possibly "copycat" murders. Although the two victims in Manhattan were white gay males, there are similarities in the cases. Additionally, the murders occurred almost immediately after the Queens murders were heavily publicized.

William J. Freund, 53, was found bludgeoned in his Upper West Side apartment on March 30. His ankles and hands had been bound with ropes. On April 9, James Tusher, 56, was found suffocated in his ransacked Upper East Side apartment. His feet and hands had been bound by a belt. Tusher was described as a nightclub entertainer.

There are no known leads in these cases.

In what appears to be a completely unrelated murder, the body of Alan Joe Caputo, 41, was found in Central Park on April 20. Caputo, a hairdresser from the Bronx, was apparently strangled or suffocated.

Violence against gay men and lesbians can only be reduced with community assistance. The New York City Gay and Lesbian Anti-Violence Project can be reached at (212) 807-0197. If you have information you think might be helpful, do not hesitate to call

American
Psychological
Association

STATEMENT OF

Gregory M. Herek, Ph.D.
Assistant Professor
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City University of New York

on behalf of

THE AMERICAN PSYCHOLOGICAL ASSOCIATION

before the

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on the Judiciary
Subcommittee on Criminal Justice

on the subject of

VIOLENCE AGAINST LESBIANS AND GAY MEN

October 9, 1986

The Honorable John Conyers, Chair

1200 Seventeenth St., N.W.
Washington, D.C. 20036
(202) 955-7600

Mr. Chairman, members of the Subcommittee, I am Dr. Gregory M. Herek, Assistant Professor of Psychology in the Graduate School of the City University of New York. I have conducted extensive empirical research on the social psychological bases of hostility toward lesbians and gay men, and I am also a member of the American Psychological Association's (APA) Committee on Lesbian and Gay Concerns. I am pleased to testify today on behalf of the APA's 87,000 members on the subject of violence against lesbians and gay men.

Since 1974, the APA has been strongly committed to removing the stigma that has long been associated with homosexual orientations in our society, and to eradicating discrimination against lesbians and gay men. Our view is that, aside from the gender of their life partners, lesbians and gay men are not fundamentally different from heterosexual women and men. They are as capable as heterosexuals of leading normal, well-adjusted, happy lives. The most significant difference between homosexual and heterosexual persons is that lesbians and gay men continue to be the targets of hostility, discrimination, persecution, and violence solely because of their sexual orientation.

While the topic of homosexuality often generates considerable controversy in our society, we feel that the topic of violence against lesbians and gay men should not be controversial. As citizens of this country and human beings, lesbians and gay men deserve all of the rights and privileges enjoyed by heterosexual Americans. No one in our country has the right to brutalize another human being or group of human beings, to assault them, to cause them injury. When we become aware of such violence, it is our duty as responsible citizens to do what we can to prevent it and to minimize its effects. In my testimony today, I will offer the views of the American Psychological Association on how we can best achieve this goal.

Empirical Research on Violence Against Lesbians and Gay Men

The available data on violence against lesbians and gay men come primarily from two sources. The first source is surveys conducted by community and state organizations concerned with preventing such violence; the National Gay and Lesbian Task Force has done an admirable job of collecting many of these reports and summarizing their results. The second source of data is scholarly investigations by criminologists and other social scientists, which have been published in academic journals. Using data from both sources, we can form a preliminary impression of anti-gay violence.

First, the violence is surprisingly common across the United States. Statewide surveys in New Jersey, New York, Maine, and Wisconsin, and community surveys in Philadelphia, Atlanta, Dallas, St. Louis, Los Angeles, Denver, and other cities all indicate that a significant minority of lesbian and gay respondents have been punched, kicked, or beaten because of their sexual orientation; the proportions range from 15% to 25%. It also appears that violence takes different forms with men and women; gay men may be the targets of physical assault more frequently, while lesbians may more often be the target of sexual harassment and assault. Most attacks seem to be perpetrated by young males in groups. The asssailants usually do not know their victims personally; they are often armed, very frequently with knives. Attacks against gay people often are characterized by an intense rage on the part of the attackers; thus they tend to be more violent than other physical assaults. Commenting on this phenomenon, sociologists Brian Miller and Laud Humphreys observed, "Seldom is a homosexual [murder] victim simply shot. He is more apt to be stabbed a dozen times, mutilated, and strangled" (Qualitative Sociology, 1980, v3 (#3), p.179). The frequency of attacks seems to have increased during the last few years, apparently fueled by public reaction to Acquired Immune Deficiency Syndrome (AIDS). Many attacks since the beginning of the AIDS epidemic have included spoken references to AIDS by the attackers, usually accusing the victim of spreading AIDS to others. AIDS may thus be providing a convenient excuse for violent expressions of hostility against gay people.

My statements about research findings have necessarily been phrased in very tentative terms. Because funds for research in this area have been minimal, past studies have been on a relatively small scale and so have been inconclusive. They have not been able to use systematic sampling techniques; consequently, we do not know whether their findings under-estimate or over-estimate the scope of the problem. Sometimes different investigators have asked different questions of their respondents with the consequence that results cannot always be compared across studies.

If our knowledge about actual attacks on lesbians and gay men is sparse, our data on the aftermath of violence--the problems faced by lesbian and gay survivors of assaults--is even more sketchy. Clearly they must cope with medical, legal, and police personnel who often themselves hold many prejudices against gay people. In this sense, survivors of anti-gay violence can find themselves in a situation comparable to that of women who have been raped. They are likely to be blamed by others for their assault, accused of inviting the attack or deserving it. Because most people are psychologically vulnerable after an assault, such responses from others can significantly lower self-esteem and evoke strong feelings of guilt, shame, or depression in the lesbian or gay survivor. Another frequent consequence of assault is unique to lesbians and gay men: If the attack happens to be reported in the local news media, the survivor's sexual orientation may become public knowledge and she or he may experience subsequent harassment or discrimination from a variety of sources. Lesbians and gay men in most jurisdictions today can legally be fired from their jobs, evicted from their homes, and denied services simply because they are gay. Anticipating all of these negative consequences, many lesbians and gay men probably never report their assaults to law enforcement officials; community violence surveys suggest that as many as 80% of attacks go unreported.

As I mentioned earlier, the paucity of empirical data requires that we be extremely cautious in drawing conclusions about the frequency of anti-gay violence, its forms, or its consequences. One inescapable conclusion, however, is that violence against gay people is a serious national problem, sufficiently widespread to warrant close scrutiny and government intervention. But until more extensive and systematic empirical research has been conducted with national samples, we will be in the frustrating position of not knowing the full scope of the problem nor how best to solve it.

Social Psychological Bases of Anti-Gay Violence

Why does anti-gay violence occur? To answer this question requires understanding that violence against lesbians and gay men is only one manifestation of a larger problem: that of prejudice, discrimination, and hostility directed against the estimated 20 million homosexual persons in American society. The term homophobia has come to be used to describe this phenomenon. While scientific research on homophobia is at an early stage, my own empirical work and that of other social scientists suggests numerous social and psychological sources for the prejudice.

Most heterosexuals who are homophobic have not developed their attitudes on the basis of interacting with gay people. National public opinion polls show that only 25-30% of Americans know an openly gay man or lesbian woman, and the majority of them have formed positive feelings as a result of those contacts.

Instead, most Americans' hostility, fear, and ignorance reflect our society's institutional homophobia--the anti-gay ideologies prevalent in our government, our schools, our churches, and our mass media. These societal institutions effectively create a cultural climate in which individual expressions of homophobia are tolerated or even encouraged.

Unfortunately, actions by the Federal government have contributed significantly to this climate of prejudice, most recently in connection with AIDS and with state sodomy laws. Earlier I mentioned that fear of AIDS has become linked to anti-gay violence. A growing body of scientific data, including my own empirical research, shows that individuals' irrational fears surrounding AIDS (i.e., fears that medical research has shown to be unwarranted, such as fear of transmission through casual contact) are highly correlated with their level of homophobia. I interpret this finding to mean that reducing AIDS hysteria requires confronting its roots in homophobia, and that eliminating homophobia will require education about AIDS. Unfortunately, the United States Justice Department has fueled fears about AIDS (thereby probably contributing to public homophobia) by sanctioning discrimination based on fears of AIDS-contagion. This ruling condones persecution of people who are perceived as having AIDS; gay people are the most likely targets for such persecution.

The cultural climate of homophobia was intensified when the Supreme Court recently ruled that states can legally prohibit sexual intimacy between persons of the same sex in the privacy of their own homes. Lesbians and gay men, in other words, can be declared criminals simply for sexually expressing love for their partners. It is not difficult to see how such a ruling can be interpreted as legitimating hostility toward gay people.

Within this cultural climate of prejudice, homophobic violence and even murder are condoned through public indifference, blaming of the victim rather than the perpetrator, lack of serious attention by police and prosecutors, and minimal sentencing if offenders are convicted. One of the most dramatic recent examples was that of Dan White, who was convicted of killing San Francisco's openly gay Supervisor, Harvey Milk, by shooting him repeatedly in the head. For his crime, White received only a seven-year jail sentence.

Homophobia appears to be particularly acute among adolescents and young adults. There are many possible explanations for this pattern, including the need for adolescents to establish a sense of adult identity, which includes sexual and gender issues. For some, such an identity is elusive and they try to affirm who they are by physically attacking a symbol of what they are not or don't want to be. Young adults also have particularly strong needs for acceptance by peers; attacking an outsider (such as a gay man or lesbian) can be a way of proving one's loyalty to the in-group. Adolescent perpetrators of homophobic violence are typically tried as juveniles and consequently receive light sentences, if they are sentenced at all. For example, four young males who freely admitted that they beat a Tucson man to death because he was gay were not punished; the judge dismissed the charges against the four, calling them "model athletes." Four teenage boys who drowned a gay man in Bangor, Maine, have been or will be released from jail on their 21st birthdays. The effect of such minimal responses by the state is to give tacit permission for attacking gay people.

In order to reduce violence against gay people, we must attack the underlying homophobia expressed through the violence. Thus, any intervention strategies must include public education concerning gay men and lesbians. Stereotypes and misconceptions about homosexual persons must be eliminated from our culture. Such education is particularly important in middle and secondary schools, where information about gay people should be coupled with inculcation of traditional American values concerning respect for individual rights and recognition of the basic humanity and worth of all members of society.

An important strategy for educational programs is to permit heterosexual persons an opportunity to interact freely with their gay and lesbian friends, family members, neighbors, and coworkers. This sort of personal contact appears to be the most effective remedy for homophobia. It requires, however, a social climate in which gay people can comfortably disclose their sexual orientation without fears of reprisal. This cannot occur while discrimination based on sexual orientation remains legal. Until protective legislation is enacted, the majority of lesbians and gay men are likely to hide their orientation, and so the elimination of homophobia and its consequent violence will be delayed.

Recommendations

Based upon these observations, the APA makes the following recommendations concerning violence against lesbians and gay men.

1. Funding for Research. The Federal government should develop a body of knowledge on homophobic violence by providing adequate funding for scientific research through agencies such as the National Institute of Justice and the National Institute of Mental Health. This research should describe both the violence and its consequences.

    a) The scope of homophobic violence should be documented at the national level, along with the proportion of lesbian and gay men nationally who have been the targets of violence. The characteristics of perpetrators, the forms taken by the violence, the conditions under which violence most often occurs, and regional variations in violence should also be documented.

    b) Survivors' problems should be documented, including those they encounter while obtaining emergency medical care, and interacting with law enforcement and court officials, and the psychological stresses they experience after the attack.

2. Implementation of Research Findings. Once data are available, effective intervention strategies should be developed and evaluated. These should include the following:

    a) programs for directly reducing violence, including collaborations between police and community groups to monitor neighborhoods;

    b) programs for reducing the homophobia that underlies the violence among the general public and especially in schools.

    c) programs for providing adequate medical, social, and legal services to survivors of violence.

3. Legislation directly addressing homophobic violence. The Congress should enact legislation that identifies homophobic violence as repugnant and unequivocally unacceptable. The areas that should be addressed by such legislation include the following:

    a) establishing criminal penalties specifically for homophobic violence;

    b) authorizing the victims of such violence, or their survivors, to file civil suits against their assailants.

Legislators should also address the problem that many perpetrators of anti-gay violence are juveniles, and consequently face minimal punishment or rehabilitation.

4. Legislation addressing the institutional antecedents of violence. The Congress should take action to change the current cultural climate, which fosters homophobia in general and anti-gay violence in particular. There are at least three steps that should be taken with all possible speed.

    a) Congress should protect the civil rights of persons with AIDS and persons perceived as having AIDS by explicitly including them in existing legislation that safeguards the rights of disabled Americans.

    b) Congress should protect all Americans from state regulation of their private, consenting sexual conduct.

    c) Congress should protect all Americans from discrimination in employment, housing, and services based on sexual orientation.

Federal legislation in these areas will not in itself eliminate homophobia or anti-gay violence any more than laws against racial discrimination have eliminated racism. But such laws can help to create a climate of openness in which lesbians and gay men can cooperate with the criminal justice system to confront the problem of homophobic violence, and in which American society can confront its own homophobia.

Mr. **Conyers.** Now we call Jacqueline Schafer, the liaison to the gay and lesbian community for the district attorney for the County of New York; Chief Robert J. Johnston, Jr., New York City Police Department; Joyce Hunter, director, Institute for Gay and Lesbian Youth; and Donald J. Bromberg, captain, New York City Police Department.

TESTIMONY OF JACQUELINE SCHAFER, LIAISON TO THE GAY AND LESBIAN COMMUNITY, NEW YORK COUNTY DISTRICT ATTORNEY, ON BEHALF OF NEW YORK COUNTY DISTRICT ATTORNEY ROBERT M. MORGENTHAU; CHIEF ROBERT J. JOHNSTON, JR., NEW YORK CITY POLICE DEPARTMENT, ACCOMPANIED BY CAPTAIN DONALD J. BROMBERG, CAPTAIN, NEW YORK CITY POLICE DEPARTMENT; AND JOYCE HUNTER, DIRECTOR, INSTITUTE FOR GAY AND LESBIAN YOUTH

Mr. **Conyers.** Those of you that have prepared statements, they will be printed in their entirety in the record. We begin with Ms. Schafer.

Ms. **Schafer.** Mr. Chairman, members of the subcommittee, I am Jacqueline Schafer. I am both pleased and honored to be here today to testify on behalf of the New York County District Attorney's Office, where I am the liaison to the gay and lesbian community.

Robert M. Morgenthau, the district attorney, is sorry that his schedule did not permit him to testify in person, but I will read a statement from him which outlines his approach to the problem of violence directed against the lesbian and gay population of New York City.

I will then elaborate upon his remarks by explaining the program which we have implemented at the New York County District Attorney's Office in order to provide a more supportive environment for gay and lesbian crime victims.

Mr. **Conyers.** Excuse me, ma'am. Could you just read the cogent portions of your statement?

Ms. **Schafer.** Yes, I can do that.

As District Attorney for New York County, it is my job to protect the public through just enforcement of the criminal law. New York City is made up of many diverse populations, which include among them a sizeable lesbian and gay community; it has been estimated that up to 1 million gay men and lesbians reside in the New York metropolitan area.

I feel that as district attorney, it is my duty to ensure that gay and lesbian New Yorkers have full and equal access, through my office, to their rights under the law, to prosecute the perpetrators of crimes against gay men and lesbians, and to see to it that gay and lesbian crime victims aren't further victimized by the court process.

The criminal justice system is often difficult to negotiate for a victim of crime, but it can be even more difficult if the victim is gay or lesbian. Historically, gay and lesbian crime victims have not been taken seriously by law enforcement personnel. At times, they have been, and in many areas of the country continue to be, taunted, harassed, and even physically assaulted by the very people whose job it is to protect them. Once in court, they may have to face painful and embarrassing cross examination from a defense attorney who wants to play upon the homophobic reactions of judges and jurors. The fact is that a lesbian or gay crime victim is often victimized all over again by the criminal justice system.

During my many years in law enforcement, I have seen many serious crimes committed against gay men and lesbians by persons motivated by a contempt or hatred for homosexuals. The current hysteria about AIDS—and the misguided notion that homosexual men are responsible for the disease—has only added to a social climate which tends to condone violent acts directed against gay men and lesbians.

Because they are often reluctant to turn to the authorities to report a crime or to prosecute their cases, gay men and lesbians are targeted by criminals as "easy marks." During my tenure as district attorney, my office has prosecuted numerous cases involving victims who have been harassed, beaten, robbed, sexually assaulted, and murdered—only because they were gay or lesbian.

Given the obvious and pressing need to address the problems faced by lesbian and gay crime victims, I developed a project in my office which is designed to encourage gay and lesbian victims to exercise their rights under the law and allow the office to prosecute their cases more effectively. I assigned one of my senior trial assistants to oversee the handling of such cases by the office.

I also hired a paralegal to serve as liaison to the gay and lesbian community for the office. The liaison, Jacqueline Schafer, has helped to implement this model program which assists lesbian and gay crime victims. She will discuss the details of the program.

I believe that this program, which features the close monitoring of cases involving lesbian and gay victims, the training of our assistants to be responsive to these victims' particular concerns, and the development of a positive and trusting relationship between my office and the gay and lesbian community of New York City, represents a serious and unique effort to address the problem of violence against gay men and lesbians.

I also believe that the program is working: We have prosecuted a number of cases involving lesbian and gay victims which hitherto would not have come to our attention.

Lesbian and gay victims have been getting through "the system" with greater confidence that my office is on their side and is sensitive to their concerns as lesbians and gay men. I have received a significant amount of positive feedback from the gay and lesbian community in New York City which demonstrates that lesbian and gay crime victims are approaching my office more readily, with more assurance that their cases will be taken seriously, and with a sense that they will be treated with respect—which is, after all, what every victim of crime deserves.

I call upon other prosecutors' offices around the country to make a similar commitment to the gay and lesbian citizens they serve by designating someone on their staff to act as a liaison to the gay and lesbian community, and by allocating some of their resources to examine and develop solutions to the problem of violence against lesbians and gay men in our society.

Mr. SCHAFER. Now, I as the liaison, will comment on what I have actually been doing in the office.

I was hired by the Office of the District Attorney for New York County as liaison to the gay and lesbian community to implement a program aimed at helping lesbian and gay victims of crime more effectively prosecute their cases through the office. Mr. Morgenthau has illuminated the historical necessity for such a program. I will now explain how the program works.

The program operates on several different levels.

To begin with, the office, through the work of the liaison, has conducted an ongoing public outreach campaign aimed at the lesbian and gay community of Manhattan to let the community know that the liaison is available to lesbian and gay crime victims as they make their way through the criminal justice system.

The liaison, who is a trained paralegal, can explain the court process, help gather documentation for a case, accompany the victim to an interview with an assistant district attorney or to court, and perhaps most importantly, provide reassurance and support for a lesbian or gay victim of crime.

The liaison is available to speak to community groups about her role in the office, and has developed a pamphlet to be distributed at such meetings.

The liaison also works closely with various gay and lesbian groups, including the New York City Gay and Lesbian Anti-Violence project, the National Gay and Lesbian Task Force's Anti-Violence project, and the Mayor's Police Council, to coordinate efforts on behalf of gay and lesbian crime victims and to help educate law enforcement personnel and the public on the issue of violence directed against gay men and lesbians.

Within the office, a senior assistant district attorney, who has had many years experience dealing with sex crimes cases, with the help of the liaison, monitors cases involving lesbian and gay crime victims by reviewing the work of the assistants assigned to them and by making her expertise in the handling of sensitive cases available to the assistants who report to her.

Additionally, in following the progress of these cases, the liaison is able to collect and disseminate useful prosecution strategies to assistants in the office, particularly to the end of counteracting homophobia on the part of defense attorneys, judges, and juries.

The liaison is in the process of developing a training workshop for new assistants which will address the issues which arise in prosecuting cases involving gay and lesbian victims. The workshop, to be inaugurated with this year's class of rookies, will be a mandatory part of the regular training program for new assistants in the office.

In addition to sensitizing assistants to the concerns of lesbian and gay crime victims, the liaison, by her presence, also provides implicit reassurance and support for lesbian and gay staff at the office.

Having held the position since 1985, I, like the district attorney, believe in the efficacy of the program we have established in our office. I, too, feel strongly that it is imperative that other prosecutors' offices join with us to remove the obstacles which for so long have impeded lesbians and gay men from stepping forward to ask that justice be done.

I also want to underscore the recommendations made by several other witnesses today that Congress enact legislation to make it clear violence against gay men and lesbians is illegal and unacceptable in American society.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much, Ms. Schafer. Chief Johnston.

Chief JOHNSTON. My name is Robert J. Johnston, Jr., and I am the chief of the New York City Police Department.

I would like to thank the chairman of the House of Representatives Committee on the Judiciary for inviting me to appear as a witness concerning antigay violence.

In December 1980, the New York City Police Department established the bias incident investigating unit to strengthen the capability of the department to prevent and respond to criminal incidents and acts which were racially, ethnically, or religiously motivated.

In July 1985, that mandate was expanded to include persons who became victims of crimes because of an animosity toward their sexual orientation.

The unit consists of 1 captain, the commanding officer; 1 sergeant, the executive officer; 12 detective investigators; and 2 civilian police administrative aides.

The commanding office of the bias unit reports directly to the chief of department, in this instance, myself. This unique position in the department's organizational structure streamlines administrative procedures by preventing any intervening command levels between the unit and the highest level of this department and further emphasizes the importance attached to the unit's mission.

The bias unit has the ultimate responsibility for the investigation of all incidents that have been confirmed as bias motivated by the commanding officer of the precinct in which they occur. The procedure used, which has been reduced to writing and distributed to each and every member of the department, is as follows:

Any police officer who becomes aware that a crime has occurred and suspects that the crime was generated because of prejudice against the victim's race, religion, ethnicity, or sexual orientation, is required to notify the patrol supervisor immediately.

The supervisor in turn must notify the precinct commander, or, in his absence, a designated duty captain.

It becomes that captain's responsibility to conduct a preliminary investigation, and based upon the facts as ascertained, to make a determination whether the crime was bias motivated or not.

Mr. CONYERS. Excuse me for interrupting, but the two bells indicate there is a vote taking place on the floor of the House. Accordingly, we will have to recess for just a few moments and we will be right back.

[Recess.]

Mr. CONYERS. The subcommittee will come to order.

Chief Johnston, you may proceed.

Chief JOHNSTON. The packet of papers before each of you, contain an appendix of the different criteria used to determine whether an incident is designated bias motivated, as well as our relevant patrol guide provisions. Therefore I will not read them.

If the captain deems the incident to be bias motivated, he makes an immediate telephone notification to the police operations unit which notifies the bias unit. The bias unit then assumes responsibility for the investigation of the case.

Since the unit has been given the responsibility of investigating crimes committed against individuals because of their sexual orientation or perceived sexual orientation, there have been 13 such cases reported to the police.

With such a small statistical base to work with, it is difficult to make an accurate assessment or analysis of the problem, but certain things do become evident.

One, crimes committed against the gay-lesbian community are probably severely underreported. This conclusion is based upon the fact that 50 percent of the incidents that the bias unit has investigated were not originally reported to the police at all.

The complaints came to our attention informally through the bias unit's relationship with the New York City Gay-Lesbian Anti-Violence project, a private organization active in the gay community.

Possible reasons for this apparent underreporting may be a fear that the gay victim's family may find out, causing embarrassment or domestic problems, a fear that landlords or employers may find out, generating other forms of discrimination, or possibly a general fear and mistrust of the police.

Recognizing that the latter conditions are one over which my department exerts a certain amount of control, we have engaged in a program to foster a spirit of mutual respect and cooperation between the police and the gay and lesbian community.

The broadening of the definition of "bias incident" to include victims chosen because of sexual orientation was one step in our program. Others include: the establishment of the Mayor's Police Council. A group consisting of delegates from the mayor's office, executives from both the New York City Police Department and the New York City Transit Police Department, members of the city's victims service agency, as well as men and women from over a dozen different gay and lesbian associations.

Representatives from groups such as the New York City Gay and Lesbian Anti-Violence project, Men of All Colors Together, The Coalition for Lesbian and Gay Rights, and others, meet regularly every 6 weeks in my conference room at police headquarters.

At this meeting, which I cochair with a personal representative from Mayor Koch's office, we discuss issues that are of common interest to the police and to the gay and lesbian community in order to resolve problems that left unresolved could result in conflict and tension.

In addition, in order to provide police personnel with an insight into the feelings of members of the gay and lesbian community and vice versa, speakers from the gay community often address groups of police officers in the local precincts during "sensitivity training" sessions.

These sessions take place in precincts whose jurisdiction encompass areas frequented by members of the gay community, and have proven to be helpful in promoting better attitudes on the part of both the police and gay citizens toward each other, although admittedly there is much work still to be done in that area.

Furthermore, the spirit of cooperation between many of the gay and lesbian community groups and the police are at such a level that neither feels obligated to wait for the scheduled meetings to discuss problems that may crop up in interim periods.

For instance, frequent phone contact is made between the bias unit and the Gay-Lesbian Anti-Violence project, a relationship that has proven professionally rewarding for both groups.

Returning to the analysis of the statistics, another conclusion which has important consequences concerns the nature of the crimes committed against gay victims.

At present, actual assaults against the individual are the most prevalent type of incident. The ratio of crimes committed against the person versus crimes committed against property is 2.3 to 1.

This is twice as high as the ratio of persons versus property crimes as the other minority groups suffer, with one exception: the black community. Blacks suffer the highest such ratio. That ratio stands at 10 to 1.

In conclusion, we must all realize that a bias-motivated crime affects not only the crime victim and their immediate family, as all crimes do, but affects each and every member of the group the victim identifies with.

Each member of that group may lose confidence in the ability or even the desire of their government to ensure their safety. Therefore, it is important for police departments, which are the most visible symbol of government, to establish procedures for the handling of hate-motivated crimes, so they may be dealt with professionally and properly.

As a first step toward that goal, I recommend that Congress initiate a study into the feasibility of collecting and collating bias-related crime statistics on a national level. This is in the hope that one day, bias incident crime figures will be as readily available to police administrators and other interested parties as national crime statistics are now.

Thank you very much.

Mr. **Conyers**. Thank you very much. We appreciate your testimony.

Ms. Joyce Hunter.

Ms. **Hunter**. I would first like to thank you for letting me speak today. My name is Joyce Hunter, director of social work services at the Institute for the Protection of Lesbian and Gay Youth.

I also serve on the mayor's police council, and I do a lot of the training at the local precincts. I am also a member of the Governor's task force on lesbian and gay issues, and I serve as a Commissioner on the New York City Commission on Human Rights.

Today, I am here to talk about violence toward lesbian and gay adolescents.

Gordon Allport, in his famous work, "The Nature of Prejudice," points out that systematic violence against a group occurs only after systematic stigmatization of that group.

The sociologist Erving Goffman puts it another way. He says

> By definition, of course, we believe the person with a stigma is not quite human. On this assumption, we exercise varieties of discrimination, through which we effectively, if often unthinkingly, reduce his life chances. We construct a stigma theory, an ideology to explain his inferiority and account for the danger he represents.

Given all of this, and the best example of this is the Holocaust in Europe, and in this country, the lynching of blacks and other tortures that were done during the thirties, as a good example.

The same process is seen in the slandering of the homosexually oriented that results in violence. The so-called dangers of the homosexual range from a danger to the family to a danger to civilization.

Homosexuals are repeatedly held up as dangers to children, despite the repeated evidence that heterosexual child abuse and heterosexual sexual molestation is endemic in our society, and we have the statistics to prove that.

We have recently had the Chief Justice of the Supreme Court suggest that homosexual behavior between consenting adults is worse than violent rape.

Often the violence against gay people is defended as somehow caused by the victim. Tim LaHaye, a right-wing evangelist, argues that "much of the 'hassle' homosexuals complain about from the straight community is caused as much by their display of hostile feelings as by society's reaction to their homosexuality."

Again, like the Jews in Europe and the blacks in this country, homosexuals are accused of the very violence that is perpetrated against them. Kenneth Gangel, a fundamentalist minister, accuses homosexuals of gang rape as a regular occurrence. We all know it is the opposite.

All homosexuals suffer from this systematic lying. But perhaps those who suffer the most are gay and lesbian adolescents and their families. Because of the lack of access to appropriate information, the discovery of the homosexuality of a child often triggers domestic violence and expulsion of the child from the home.

The systematic slandering also sets the young people up as appropriate targets in their schools, encouraging other children to despise and often to attack them. Isolated within their families, within their schools and neighborhoods, they often end up in places like Times Square or the piers in New York, victim to the violence and danger of all kinds.

We, at the Institute for the Protection of Lesbian and Gay Youth, Inc., IPLGY, have tried to address these and many of the problems faced by gay and lesbian adolescents. The IPLGY is a social service agency that offers a full range of services free of charge to gay and lesbian adolescents and their families.

The age range for adolescent clients is from 12 to 21 years of age, with 17.1 the median age of those presenting themselves at the agency; 15.4 the median age of those availing themselves of telephone counseling.

Forty percent of the youth are black; 35 percent are white; 20 percent Hispanic; 2 percent Asian; and 3 percent other; 60 percent are male; 40 percent are female. The socio-economic status ranges from homeless poverty-stricken youth to the children of wealthy families.

Twenty percent of the young people who come to us are homeless, 78 percent are of the working or middle class, and 2 percent of the wealthy class. It should be stressed, however, that of the 20 percent who are homeless and thus classified in the lowest socioeconomic level, approximately half, about 5 percent of them, are from families in the upper ranges. They have often been pushed out of their homes onto the streets after their homosexuality has been discovered.

We have collected some figures on violence from our clients. The figures presented here are taken from the presenting problems recorded for the first 809 adolescent clients who actually registered in programs at the institute.

Thus, the figures are on the conservative side; 41 percent of adolescent clients who applied for social services had suffered violence of some kind because of their sexual orientation before they had come to the agency. That is, of the 809 clients who presented at the institute, 328 reported violence of some kind.

Thirty-five percent of the violence came from family members, especially parents or step-parents, but sometimes brothers or sisters. Seven percent of the violence originated from adults on the streets; 58 percent of the violence was from peers.

It should be noted that 29 percent of our clients attempted suicide before they came to us. This accords with other research which indicates that gay and lesbian adolescents are at high risk for suicide, but that the suicide rate falls dramatically after the teens.

The figures, as striking as they are, do not tell the whole story. The following anecdotes are only meant to be illustrative of the range of violence suffered by these young people.

I will not read all of them, but take three as an example. Kathy, a 16-year-old black female, her mother threatened to kill her when she discovered she was having a lesbian relationship; mother's boyfriend raped her.

Xavier, a 15-year-old Hispanic male, was hospitalized after he was beaten severely with baseball bats by "fag bashers because he was sissy."

Arthur, a 15-year-old white male, was harassed physically and verbally by his classmates in a Catholic high school in Manhattan. Despite frequent complaints by the boy's parents and by the young man himself, nothing was done to the boys who beat him up, tore his clothes, threw his books down on the floor, humiliated him, et cetera.

Finally, the father took him out of the school when the disciplinarian said that it was the boy's responsibility to fight back, even if he got his legs broken.

As a response to a lot of the violence in the public schools, we set up, along with the board of education, the Harvey Milk School as an alternative high school for those youngsters who have been physically and verbally harassed in their traditional schools.

We have only touched on the problem of violence against gay and lesbian youth. Most cases are not reported. Many of the young people who drop out of school do so because of the violence against them.

Schools, although aware of the problem, refuse to do anything about it because of the fear of reaction by antihomosexual religious and community groups. Hopefully, this committee represents a beginning step to dealing with this problem.

I would like to reinforce what everybody else before me has said, and that is to recommend civil rights legislation to protect the rights of lesbian and gay people and to really consider doing more studies on the violence toward not only the adult lesbian and gay population, but on the adolescent population, and I thank you again for letting me speak.

Mr. CONYERS. Thank you very much.

I have a number of questions to put to you. Before I do, I want to ask Captain Bromberg, have you ever appeared on the television series, Kojak?

Captain BROMBERG. No, I haven't.

Mr. CONYERS. Or any other police series?

Captain BROMBERG. No, I haven't. Are you making a suggestion, sir?

Mr. CONYERS. Your face looks familiar, and that is in the police stations I have seen on television.

But anyway, I would like to ask, how many other police jurisdictions have similar policies and programs to those in New York?

Are you consulted with any frequency by other cities? How can that program be strengthened?

How can we deal with the problem of improving police relationships with the gay and lesbian community in smaller cities, and what kind of training goes on in police academies?

Captain **Bromberg**. That is quite a number of questions. Regarding other police departments, there are other departments at present that have similar type units, although they may be called something different.

The Boston Police Department, for instance, has a very similar type unit that is in effect as long as ours is. The Philadelphia Police Department is presently starting a unit. In fact, my executive officer right now is sitting down with them in my office, they have sent a number of representatives to see how we conduct our operations, so they don't make the same errors that we did.

The State of Maryland, of course, is, I would say, the pioneer in this area. The National Institute Against Prejudice and Violence is a forerunner, and they are the only State right now in the Nation that mandates the collation of bias type crimes throughout the State, which is something the New York City Police Department does, albeit city-wide only.

That is one of our recommendations. As to the other questions, I will let Chief Johnston handle them.

Chief **Johnston**. We have a 5-month training period in the police academy, and we have asked the members of the mayor's council to sit down with the commanding officer of the police academy, analyze our training, and hopefully get involved.

In addition, at key precincts, we have rap sessions with members of the gay-lesbian community. We have the gays come down and sit down, shut the doors, and take their boxing gloves off. That is how it starts off, and after a while, both sides come to recognize the other side's positions, and generally speaking, after one or two meetings very fruitful relationships develop.

How should smaller police departments improve relationships? The same way a precinct does. Our precinct cover approximately 100,000 people and have a minimum of 100 to 250 police officers assigned. So they are the size of many of our smaller police departments throughout the Nation. They can sit down with the constituent communities, all different minority communities, and I am not suggesting all at a time.

Generally, it is more productive if you sit down with members of one community at a time. The precinct commander should do it, and if there are problems with the different members of the department, sitting down and having these rap sessions often clears the air.

Mr. **Conyers**. Who are these different communities that you suggest we set down with?

Chief **Johnston**. In New York City, almost every precinct has a different ethnic or religious makeup. You could go into Brooklyn and sit down with the Hassidics and with a black West Indian population with Reverend Norman on the other side, and eventually, you try to bring them together when they start meeting face to face.

I am not going to say you will relieve all tensions, but at least they are talking; and that is a critical thing to anything, to start talking to each other.

Mr. **Conyers**. OK. Any other observations?

Ms. **Hunter**. I could comment, because I have been doing the training for a long time, but in local precincts. I am a member of the police council, and we meet every 6 weeks, but for those of us who have been going out through *the Human Rights Commission* to speak to the police, we notice once we start getting to talk to each other, there is a demystification of what homosexual people are like, and also the demystification of homosexuality, because I think we grow up in a society that says that gay people are, you know, sinful abominations, and we have the stereotype and we believe all the myths about this.

I might add, for the young people, they internalize this, so there is a lack of information about what it means to be gay and who gay and lesbian people are, and when you start this dialog, they realize, while there may be some differences, we have much more in common than we have differences, and so it starts a dialog, and you see changes in the community gradually.

You see that in the precinct in Greenwich Village, where over a period of years, it is not going to take a day, you are not going to change attitudes even in a month or so.

It will take time. We have to continue to do this dialog, because it brings about social change.

Chief **Johnston**. In Greenwich Village, we hand-select precinct commanders who are assigned there, for their sensitivity to that particular community. One of the previous commanding officers who has been promoted since is the bureau liaison with the gay community. That is very helpful when you do have a demonstration that takes place, and we send him down.

He has the confidence of the police, on the one hand, and the confidence of the community, on the other hand.

Not too long ago, we had a police captain, a member of the gay community, and we do have a precinct sergeant who is a member of our Manhattan South, Task Force as well as a member of the gay community. In fact, we have a police officers' gay organization called GOAL in the police department.

Ms. **Hunter**. The institute has a good working relationship with the runaway unit, and we had not had that prior to this kind of training going on where they know they can refer youngsters who are on the street to our agency, whereas before, people didn't want youngsters to go to professionals in the lesbian and gay community because of the whole myth around child molestation, and exploitation.

Mr. **Conyers**. I feel very, very strongly about the importance and the value of police intervention and the policies that are coming out of the police force in New York.

The police had a frontline in all of this, representing law enforcement. Before you ever see the prosecutor's office or the courts of corrections or prisons, you see the police. Of course, Chief Johnston, and Captain Bromberg, you know the history of police relations in this country where at one time in many places, the police were the legal system. They dispensed the justice, period, that was it.

That was your court, jury, trial, prosecutor, the whole bit, depending on what the particular officer's attitude was. Frequently, in many jurisdictions, where we have no policy or a policy on paper, and every officer is on his own, that meant those in the force who were inclined to take it out violently on gays or blacks or anybody else they didn't like had a silent license to do so, and fortunately, in many jurisdictions, and I think this is one of the leading police jurisdictions in the country, that is being turned around.

This is not a matter of how every police officer personally feels about it, and these rules and regulations to the extent that they are made real, and they have to be enforced by the municipal authority, if the mayor and the municipal political leaders don't endorse it, it never gets to the police community.

I have been reading on this literature for a number of years, and one of my political heroes in New York was Fiorello LaGuardia, and I was shocked to come across language where he said, bring them in bloody, not referring to homosexuals, but to people arrested, period.

I couldn't believe this fellow who had this political, religious reputation would be giving these instructions to a police force. That goes back in time to when the standard was understood around the country. If I checked with other mayors in other cities, they were probably saying the same thing, and even licensing it, if that is possible, so we are moving forward and the idea of us making sure that this record reflects the positive gains that have been made, as little as they are, is very important.

The big hole is at the Federal level. Now, until we get the President of the United States and the Attorney General and the Department of Justice and the Federal agencies to even begin to acknowledge the importance of the work that is being done like yourselves, we here in Washington have an incredible responsibility that still awaits some resolution, and I thank you for your work.

And I recognize the gentleman from Massachusetts, Mr. Frank.

Mr. **Frank**. I apologize for having to be off, but the immigration bill was up, and I wanted to express my appreciation to all the witnesses for coming. I hope that you all at the District Attorney's Office in New York County, and the police department will be models to others.

The hearings will be printed up, and made available, and I hope that others will benefit from the hearing, so I want to thank some very busy people for taking the time to come and join us.

Ms. **Hunter**. I am not with the Attorney General's Task Force.

Mr. **Frank**. I understand that.

Chief **Johnston**. Might I make an observation? I want to let everybody know the position the members of the gay and lesbian community are in when they start cooperating with the police, they are in between, they are ostracized by many parts of the community, and they are trying to do right for the community, and they are treated with distrust.

For them to come forward takes a lot of guts and determination to do what is right.

Mr. **Frank**. I appreciate that. The more cooperation they get from you and the people under you, the easier it will be.

Mr. **Conyers**. This has been some very important testimony, and we value your appearance here before the subcommittee. Thank you all very much.

[The prepared statements of Mr. Morgenthau, Ms. Schafer, Chief Johnston, Ms. Hunter, and Dammeir Martin follow:]

STATEMENTS OF ROBERT M. MORGENTHAU, DISTRICT ATTORNEY OF NEW YORK COUNTY,

AND JACQUELINE C. SCHAFER, LIAISON TO THE GAY AND LESBIAN COMMUNITY FOR THE OFFICE OF THE DISTRICT ATTORNEY OF NEW YORK COUNTY

STATEMENT OF JACQUELINE C. SCHAFER

Mr. Chairman, Members of the Subcommittee:

I am Jacqueline Schafer. I am both pleased and honored to be here today to testify on behalf of the New York County District Attorney's Office, where I am the Liaison to the Gay and Lesbian Community.

Robert M. Morgenthau, the District Attorney, is sorry that his schedule did not permit him to testify in person, but I will read a statement from him which outlines his approach to the problem of violence directed against the lesbian and gay population of New York City. I will then elaborate upon his remarks by explaining the program which we have implemented at the New York County District Attorney's Office in order to provide a more supportive environment for gay and lesbian crime victims, to prosecute their cases more effectively, and, ultimately, to help fight this heinous and too frequent form of violence in our society.

STATEMENT OF ROBERT M. MORGENTHAU

Mr. Chairman, Members of the Subcommittee:

As District Attorney for New York County, it is my job to protect the public through just enforcement of the criminal law. New York City is made up of many diverse populations, which include among them a sizeable lesbian and gay community; it has been estimated that up to one million gay men and lesbians reside in the New York metropolitan area. I feel that as District Attorney, it is my duty to ensure that gay and lesbian New Yorkers have full and equal access, through my Office, to their rights under the law, to prosecute the perpetrators of crimes against gay men and lesbians, and to see to it that gay and lesbian crime victims aren't further victimized by the court process.

The criminal justice system is often difficult to negotiate for a victim of crime, but it can be even more difficult if the victim is gay or lesbian. Historically, gay and lesbian crime victims have not been taken seriously by law enforcement personnel. At times they have been, and in many areas of the country continue to be, taunted, harassed, and even physically assaulted by the very people whose job it is to protect them. Once in court, they may have to face painful and embarrassing cross-examination from a defense attorney who wants to play upon the homophobic reactions of judges and jurors. The fact is that a lesbian or gay crime victim is often victimized all over again by the criminal justice system.

It is no wonder, then, that violence against gay men and lesbians, like rape, often goes unreported. This fact is well illustrated by a recent case which did, ultimately, come to be prosecuted by my Office. The case, which is still pending, involves a 25-year-old gay man who allegedly was held captive, whipped, and sexually abused by a prominent New York City businessman and his assistant. The young man felt happy to escape with his life, but did not report the incident to the authorities because he felt he would not be taken seriously. Five months later, the body of another young gay man was found on the property of the businessman's assistant. The man had been whipped, sexually abused and shot twice in the head; then the body had been doused with gasoline and set on fire. After the first young man saw the story in the newspaper, he finally decided to report his own experience to my Office, and the businessman and his assistant were indicted for the crime. Had the victim felt able to report the crime in the first place, a tragedy might have been averted.

During my many years in law enforcement I have seen many serious crimes committed against gay men and lesbians by persons motivated by a contempt or hatred for homosexuals. The current hysteria about AIDS -- and the misguided notion that homosexual men are responsible for the disease -- has only added to a social climate which tends to condone violent acts directed against gay men and lesbians. Because they are often reluctant to turn to the authorities to report a crime or to prosecute their cases, gay men and lesbians are targeted by criminals as "easy marks." During my tenure as District Attorney, my Office has prosecuted numerous cases involving victims who have been harassed, beaten, robbed, sexually assaulted, and murdered -- only because they were gay or lesbian.

Despite the reluctance of gay men and lesbians to report the crimes against them, at any given time, there are approximately fifteen to twenty-five pending cases involving lesbian and gay victims being handled by my Office that the Office is aware of; approximately half of these cases involve victims who were apparently targeted by the perpetrators because they are gay or lesbian. Additionally, there are presumably many cases involving lesbian and gay victims the Office does not know about since many victims would have no reason to divulge their sexual orientation in the course of discussing a crime unrelated to that aspect of their lives.

Given the obvious and pressing need to address the problems faced by lesbian and gay crime victims I developed a project in my Office which is designed to encourage gay and lesbian victims to exercise their rights under the law and allow the Office to prosecute their cases more effectively. I assigned one of my senior trial assistants to oversee the handling of such cases by the Office. I also hired a paralegal to serve as Liaison to the Gay and Lesbian Community for the Office. The Liaison, Jacqueline Schafer, has helped to implement this model program which assists lesbian and gay crime victims. She will discuss the details of the program.

I believe that this program, which features the close monitoring of cases involving lesbian and gay victims, the training of our assistants to be responsive to these victims' particular concerns, and the development of a positive and trusting relationship between my Office and the gay and lesbian community of New York City, represents a serious and unique effort to address the problem of violence against gay men and lesbians. I also believe that the program is working: we have prosecuted a number of cases involving lesbian and gay victims which hitherto would not have come to our attention. Lesbian and gay victims have been getting through "the system" with greater confidence that my Office is on their side and is sensitive to their concerns as lesbians and gay men. I have received a significant amount of positive feedback from the gay and lesbian community in New York City which demonstrates that lesbian and gay crime victims are approaching my Office more readily, with more assurance that their cases will be taken seriously, and with a sense that they will be treated with respect -- which is, after all, what every victim of crime deserves.

I call upon other prosecutors' offices around the country to make a similar commitment to the gay and lesbian citizens they serve by designating someone on their staff to act as a liaison to the gay and lesbian community, and by allocating some of their resources to examine and develop solutions to the problem of violence against lesbians and gay men in our society.

STATEMENT OF JACQUELINE C. SCHAFER (continued)

I was hired by the Office of the District Attorney for New York County as Liaison to the Gay and Lesbian Community to implement a program aimed at helping lesbian and gay victims of crime more effectively prosecute their cases through the Office. Mr. Morgenthau, in his statement, has illuminated the historical necessity for such a program. I will now explain how the program works.

The program operates on several different levels. To begin with, the Office, through the work of the Liaison, has conducted an ongoing public outreach campaign aimed at the lesbian and gay community of Manhattan to let the community know that the Liaison is available to lesbian and gay crime victims as they make their way through the criminal justice system. The Liaison, who is a trained paralegal, can explain the court process, help gather documentation for a case, accompany the victim to an interview with an assistant district attorney or to court, and perhaps most importantly, provide reassurance and support for a lesbian or gay victim of crime. The Liaison is available to speak to community groups about her role in the Office, and has developed a pamphlet to be distributed at such meetings. The Liaison also works closely with various gay and lesbian groups, including the New York City Gay and Lesbian Anti-Violence Project, the National Gay and Lesbian Task Force's Anti-Violence Project, and the Mayor's Police Council, to coordinate efforts on behalf of gay and lesbian crime victims and to help educate law enforcement personnel and the public on the issue of violence directed against gay men and lesbians.

Within the Office, a senior assistant district attorney, who has had many years experience dealing with sex crimes cases, with the help of the Liaison, monitors cases involving lesbian and gay crime victims by reviewing the work of the assistants assigned to them and by making her expertise in the handling of sensitive cases available to the assistants who report to her. Additionally, in following the progress of these cases, the Liaison is able to collect and disseminate useful prosecution strategies to assistants in the Office, particularly to the end of counteracting homophobia on the part of defense attorneys, judges, and juries. The Liaison is in the process of developing a training workshop for new assistants which will address the issues which arise in prosecuting cases involving gay and lesbian victims. The workshop, to be inaugurated with this year's class of "rookies," will be a mandatory part of the regular training program for new assistants in the Office. In addition to sensitizing assistants to the concerns of lesbian and gay crime victims, the Liaison, by her presence, also provides implicit reassurance and support for lesbian and gay staff at the Office.

Having held the position of Liaison since 1985, I, like the District Attorney, believe in the efficacy of the program we have established in our Office. I, too, feel strongly that it is imperative that other prosecutors' offices join with us to remove the obstacles which for so long have impeded lesbians and gay men from stepping forward to ask that justice be done.

MY NAME IS ROBERT J. JOHNSTON, JR. AND I AM THE CHIEF OF DEPARTMENT FOR THE NEW YORK CITY POLICE DEPARTMENT.

I WOULD LIKE TO THANK THE CHAIRMAN OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON THE JUDICIARY FOR INVITING ME TO APPEAR AS A WITNESS CONCERNING ANTI-GAY VIOLENCE.

IN DECEMBER OF 1980, THE N.Y.C. POLICE DEPARTMENT ESTABLISHED THE BIAS INCIDENT INVESTIGATING UNIT, TO STRENGTHEN THE CAPABILITY OF THE DEPARTMENT TO PREVENT, AND RESPOND TO CRIMINAL INCIDENTS AND ACTS WHICH WERE RACIALLY, ETHNICALLY, OR RELIGIOUSLY MOTIVATED. IN JULY OF 1985, THAT MANDATE WAS

EXPANDED TO INCLUDE PERSONS WHO BECAME VICTIMS OF CRIMES BECAUSE OF AN ANIMOSITY TOWARD THEIR "SEXUAL-ORIENTATION".

THE UNIT CONSISTS OF 1 CAPTAIN - THE COMMANDING OFFICER, 1 SERGEANT - THE EXECUTIVE OFFICER, 12 DETECTIVE INVESTIGATORS, AND 2 CIVILIAN POLICE ADMINISTRATIVE AIDES. THE COMMANDING OFFICER OF THE BIAS UNIT REPORTS DIRECTLY TO THE CHIEF OF DEPARTMENT, IN THIS INSTANCE, MYSELF. THIS UNIQUE POSITION IN THE DEPARTMENT'S ORGANIZATIONAL STRUCTURE STREAMLINES ADMINISTRATIVE PROCEDURES BY PREVENTING ANY INTERVENING COMMAND LEVELS BETWEEN THE UNIT

AND THE HIGHEST LEVEL OF THIS DEPARTMENT AND FURTHER EMPHASIZES THE IMPORTANCE ATTACHED TO THE UNIT'S MISSION.

THE BIAS UNIT HAS THE ULTIMATE RESPONSIBILITY FOR THE INVESTIGATION OF ALL INCIDENTS THAT HAVE BEEN CONFIRMED AS BIAS MOTIVATED BY THE COMMANDING OFFICER OF THE PRECINCT IN WHICH THEY OCCUR. THE PROCEDURE USED, WHICH HAS BEEN REDUCED TO WRITING AND DISTRIBUTED TO EACH AND EVERY MEMBER OF THE DEPARTMENT, IS AS FOLLOWS:

ANY POLICE OFFICER WHO BECOMES AWARE THAT A CRIME HAS

OCCURRED AND SUSPECTS THAT THE CRIME WAS GENERATED BECAUSE OF PREJUDICE AGAINST THE VICTIM'S RACE, RELIGION, ETHNICITY OR SEXUAL ORIENTATION, IS REQUIRED TO NOTIFY THE PATROL SUPERVISOR IMMEDIATELY. THE SUPERVISOR IN TURN MUST NOTIFY THE PRECINCT COMMANDER OR, IN HIS ABSENCE, A DESIGNATED DUTY CAPTAIN. IT BECOMES THAT CAPTAIN'S RESPONSIBILITY TO CONDUCT A PRELIMINARY INVESTIGATION, AND BASED UPON THE FACTS AS ASCERTAINED, TO MAKE A DETERMINATION WHETHER THE CRIME WAS BIAS MOTIVATED OR NOT.

A LIST OF SOME OF THE CRITERIA USED TO MAKE THAT

DETERMINATION IS ATTACHED IN YOUR PACKET OF PAPERS TITLED - APPENDIX A.

IF THE CAPTAIN DEEMS THE INCIDENT TO BE BIAS MOTIVATED, HE MAKES AN IMMEDIATE TELEPHONE NOTIFICATION TO THE POLICE OPERATIONS UNIT WHICH NOTIFIES THE BIAS UNIT. THE BIAS UNIT THEN ASSUMES RESPONSIBILITY FOR THE INVESTIGATION OF THE CASE.

SINCE THE UNIT HAS BEEN GIVEN THE RESPONSIBILITY OF INVESTIGATING CRIMES COMMITTED AGAINST INDIVIDUALS BECAUSE OF THEIR SEXUAL-ORIENTATION OR PERCEIVED SEXUAL-ORIENTATION, THERE

HAVE BEEN THIRTEEN (13) SUCH CASES REPORTED TO THE POLICE.

WITH SUCH A SMALL STATISTICAL BASE TO WORK WITH, IT IS DIFFICULT TO MAKE AN ACCURATE ASSESSMENT OR ANALYSIS OF THE PROBLEM, BUT CERTAIN THINGS DO BECOME EVIDENT.

1. CRIMES COMMITTED AGAINST THE GAY/LESBIAN COMMUNITY ARE PROBABLY SEVERELY UNDER-REPORTED. THIS CONCLUSION IS BASED UPON THE FACT THAT 50% OF THE INCIDENTS THAT THE BIAS UNIT HAS INVESTIGATED WERE NOT ORGINALLY REPORTED TO THE POLICE AT ALL. THE COMPLAINTS CAME TO OUR ATTENTION INFORMALLY THROUGH THE BIAS

UNIT'S RELATIONSHIP WITH THE N.Y.C. GAY/LESBIAN ANTI-VIOLENCE PROJECT, A PRIVATE ORGANIZATION ACTIVE IN THE GAY COMMUNITY.

POSSIBLE REASONS FOR THIS APPARENT UNDER-REPORTING MAY BE A FEAR THAT THE GAY VICTIM'S FAMILY MAY FIND OUT, CAUSING EMBARRASSMENT OR DOMESTIC PROBLEMS; A FEAR THAT LANDLORDS OR EMPLOYERS MAY FIND OUT, GENERATING OTHER FORMS OF DISCRIMINATION; OR POSSIBLY A GENERAL FEAR AND MISTRUST OF THE POLICE.

RECOGNIZING THAT THE LATTER CONDITION IS ONE, OVER WHICH MY DEPARTMENT EXERTS A CERTAIN AMOUNT OF CONTROL, WE HAVE

ENGAGED IN A PROGRAM TO FOSTER A SPIRIT OF MUTUAL RESPECT AND COOPERATION BETWEEN THE POLICE AND THE GAY AND LESBIAN COMMUNITY.

THE BROADENING OF THE DEFINITION OF "BIAS INCIDENT" TO INCLUDE VICTIMS CHOSEN BECAUSE OF SEXUAL ORIENTATION WAS ONE STEP IN OUR PROGRAM. OTHERS INCLUDE:

THE ESTABLISHMENT OF THE MAYOR'S POLICE COUNCIL. A GROUP CONSISTING OF DELEGATES FROM THE MAYOR'S OFFICE, EXECUTIVES FROM BOTH THE NYC POLICE DEPARTMENT AND THE NYC TRANSIT POLICE .

DEPARTMENT, MEMBERS OF THE CITY'S VICTIMS SERVICE AGENCY. AS WELL AS MEN AND WOMEN FROM OVER A DOZEN DIFFERENT GAY AND LESBIAN ASSOCIATIONS. REPRESENTATIVES FROM GROUPS SUCH AS THE "N.Y.C. GAY AND LESBIAN ANTI-VIOLENCE PROJECT", "MEN OF ALL COLORS TOGETHER", "THE COALITION FOR LESBIAN & GAY RIGHTS", AND OTHERS, MEET REGULARLY EVERY 6 WEEKS IN MY CONFERENCE ROOM AT POLICE HEADQUARTERS. AT THIS MEETING, WHICH I CO-CHAIR WITH A PERSONAL REPRESENTATIVE FROM MAYOR KOCH'S OFFICE, WE DISCUSS ISSUES THAT ARE OF COMMON INTEREST TO THE POLICE AND TO THE GAY

AND LESBIAN COMMUNITY IN ORDER TO RESOLVE PROBLEMS THAT LEFT UNRESOLVED COULD RESULT IN CONFLICT AND TENSION.

IN ADDITION, IN ORDER TO PROVIDE POLICE PERSONNEL WITH AN INSIGHT INTO THE FEELINGS OF MEMBERS OF THE GAY AND LESBIAN COMMUNITY AND VICE-VERSA, SPEAKERS FROM THE GAY COMMUNITY OFTEN ADDRESS GROUPS OF POLICE OFFICERS IN THE LOCAL PRECINCTS DURING "SENSITIVITY TRAINING" SESSIONS. THESE SESSIONS, TAKE PLACE IN PRECINCTS WHOSE JURISDICTION ENCOMPASS AREAS FREQUENTED BY MEMBERS OF THE GAY COMMUNITY, AND HAVE PROVEN TO BE HELPFUL IN PROMOTING

BETTER ATTITUDES ON THE PART OF BOTH THE POLICE AND GAY CITIZENS TOWARD EACH OTHER. ALTHOUGH ADMITTEDLY THERE IS MUCH WORK STILL TO BE DONE IN THAT AREA.

FURTHERMORE, THE SPIRIT OF COOPERATION BETWEEN MANY OF THE GAY AND LESBIAN COMMUNITY GROUPS AND THE POLICE ARE AT SUCH A LEVEL THAT NEITHER FEELS OBLIGATED TO WAIT FOR THE SCHEDULED MEETINGS TO DISCUSS PROBLEMS THAT MAY CROP UP IN INTERIM PERIODS. FOR INSTANCE, FREQUENT PHONE CONTACT IS MADE BETWEEN THE BIAS UNIT AND THE GAY/LESBIAN ANTI-VIOLENCE PROJECT, A RELATIONSHIP

THAT HAS PROVEN PROFESSIONALLY REWARDING FOR BOTH GROUPS.

RETURNING TO THE ANALYSIS OF THE STATISTICS, ANOTHER CONCLUSION, WHICH HAS IMPORTANT CONSEQUENCES CONCERNS THE NATURE OF THE CRIMES COMMITTED AGAINST GAY VICTIMS. AT PRESENT, ACTUAL ASSAULTS AGAINST THE INDIVIDUAL ARE THE MOST PREVALENT TYPE OF INCIDENT. THE RATIO OF CRIMES COMMITTED AGAINST THE PERSON, VERSUS CRIMES COMMITTED AGAINST PROPERTY IS 2.3 TO 1. THIS IS TWICE AS HIGH AS THE RATIO OF PERSONS VERSUS PROPERTY CRIMES AS THE OTHER MINORITY GROUPS SUFFER, WITH ONE EXCEPTION - THE BLACK COMMUNITY. BLACKS SUFFER THE HIGHEST SUCH RATIO. (THAT RATIO STANDS AT 10 TO 1.)

IN CONCLUSION, WE MUST ALL REALIZE THAT A BIAS MOTIVATED CRIME AFFECTS NOT ONLY THE CRIME VICTIM AND THEIR IMMEDIATE FAMILY AS ALL CRIMES DO, BUT AFFECTS EACH AND EVERY MEMBER OF THE GROUP THE VICTIM IDENTIFIES WITH. EACH MEMBER OF THAT GROUP MAY LOSE CONFIDENCE IN THE ABILITY OR EVEN THE DESIRE, OF THEIR GOVERNMENT TO ENSURE THEIR SAFETY. THEREFORE, IT IS IMPORTANT FOR POLICE DEPARTMENTS, WHICH ARE THE MOST VISIBLE

SYMBOL OF GOVERNMENT, TO ESTABLISH PROCEDURES FOR THE HANDLING OF "HATE MOTIVATED" CRIMES. SO THEY MAY BE DEALT WITH PROFESSIONALLY AND PROPERLY.

AS A FIRST STEP TOWARD THAT GOAL, I RECOMMEND THAT CONGRESS INITIATE A STUDY INTO THE FEASIBILITY OF COLLECTING AND COLLATING BIAS RELATED CRIME STATISTICS ON A NATIONAL LEVEL. THIS IS IN THE HOPE THAT ONE DAY, BIAS INCIDENT CRIME FIGURES WILL BE AS READILY AVAILABLE TO POLICE ADMINISTRATORS AND OTHER INTERESTED PARTIES AS NATIONAL CRIME STATISTICS ARE NOW.

THANK YOU VERY MUCH.

****

APPENDIX A

GUIDE TO CONFIRMING BIAS INCIDENTS

TO ASSIST PRECINCT COMMANDERS AND DUTY CAPTAINS IN DETERMINING WHETHER A SUSPECTED BIAS INCIDENT IS ACTUALLY A CONFIRMED BIAS MOTIVATED INCIDENT, THE FOLLOWING CRITERIA MAY BE APPLIED. THESE CRITERIA ARE NOT ALL INCLUSIVE; THE DUTY CAPTAIN'S "COMMON SENSE" JUDGEMENT MUST ALSO BE APPLIED IN THE FINAL DETERMINATION.

- MOTIVE
- THE ABSENCE OF ANY OTHER APPARENT MOTIVE FOR THE RACIAL, RELIGIOUS, ETHNIC, OR ANTI-GAY ACT.
- DISPLAY OF ANY OFFENSIVE SYMBOLS, WORDS, OR ACTS.

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E.G., SWASTIKA, KKK, "NIGGER", "KIKE", "SPIC", "WOP".

- A COMMON-SENSE REVIEW OF THE CIRCUMSTANCES SURROUNDING THE INCIDENT. (CONSIDER THE TOTALITY OF CIRCUMSTANCES.)
- HOW THE VICTIM FEELS ABOUT THE INCIDENT.
- STATEMENTS MADE BY THE SUSPECTS.
- PRIOR HISTORY OF SIMILAR INCIDENTS IN THE SAME AREA AFFECTING THE SAME VICTIM GROUP.

WHEN THE ABOVE CRITERIA IS APPLIED, IT MAY BE HELPFUL TO ASK THE FOLLOWING QUESTIONS.

1. IS THE VICTIM FROM ONE RACIAL, RELIGIOUS, ETHNIC, OR

APPENDIX A

D. WAS GROUP INVOLVEMENT ACTUALLY PRESENT OR MERELY A SCARE TACTIC?

10. WERE THE REAL INTENTIONS OF THE RESPONSIBLE PERSON RACIAL, RELIGIOUS, ETHNIC, OR ANTI-GAY ORIENTED, OR WERE THERE OTHER REASONS SUCH AS CHILDISH PRANKS, UNRELATED VANDALISM, ETC.?

11. DOES THE PERSON RESPONSIBLE HAVE A TRUE UNDERSTANDING OF THE IMPACT OF THE INCIDENT ON THE RACIAL, RELIGIOUS, ETHNIC, OR SEXUAL ORIENTATION OF THE VICTIM?

NOTE: IF AFTER, APPLYING THE CRITERIA LISTED AND ASKING THE APPROPRIATE QUESTIONS, A SUSPECTED RACIAL, RELIGIOUS, ETHNIC, OR ANTI-GAY INCIDENT CAN NOT BE DEFINITELY

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DETERMINED TO BE ANY OTHER TYPES OF PROBLEM (OR IS A "BORDERLINE" CASE), IT SHOULD BE CONFIRMED AS BIAS FOR INVESTIGATIVE AND STATISTICAL PURPOSE.

PATROL GUIDE

PROCEDURE No 108-26

BIAS MOTIVATED INCIDENTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
9-21-84	9-28-84	84-7	1 of 3

PURPOSE To ensure a coordinated police response and a thorough investigation and analysis of all bias motivated incidents.

DEFINITION BIAS INCIDENT - Any offense or unlawful act that is racially, ethnically or religiously motivated.

PROCEDURE When a uniformed member of the service is dispatched to the scene of a reported bias incident:

UNIFORMED MEMBER OF THE SERVICE

1. Evaluate condition and take police action appropriate for stabilization of the area, if necessary.
2. Determine if possibility exists that incident is racially, ethnically or religiously motivated.
3. Request patrol supervisor to respond if bias incident is suspected.

PATROL SUPERVISOR

4. Determine if additional personnel are required to stabilize the situation.
5. Notify desk officer of incident.
6. Request commanding officer/duty captain to respond if bias incident is suspected.
7. Direct that a COMPLAINT REPORT (PD313-152) be prepared.

PRECINCT COMMANDER/ DUTY CAPTAIN

8. Ascertain if occurrence is a bias incident.

IF CONFIRMED AS BIAS MOTIVATED INCIDENT

9. Request additional resources, if required, to stabilize the location or defuse the incident (Community Affairs, Anti-Crime, Crime Prevention Officers, additional precinct personnel, Neighborhood Stabilization Unit, Borough Task Force, if available, or others, as appropriate).
10. Request precinct detective unit personnel to respond.
11. Notify Operations Unit of CONFIRMED bias incident and obtain bias incident log number.
12. Prepare Unusual Occurrence Report AFTER CONFERRAL WITH PRECINCT DETECTIVE COMMANDER.
    a. Subject of Report will be "CONFIRMED BIAS INCIDENT - LOG NO. ___".
13. Forward Unusual Occurrence Report to Chief of Operations, Bias Incident Investigating Unit (DIRECT) and forward additional copy through channels.
14. Forward duplicated copy of report to Deputy Commissioner-Community Affairs.
15. Direct Crime Prevention Officer to personally contact and advise complainant concerning actions to take to prevent recurrence.

PATROL GUIDE PROCEDURE No. 108-26

BIAS MOTIVATED INCIDENTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
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NOTE

Operations Unit personnel will notify patrol borough command, Patrol Services Bureau duty chief, Detective Zone and Detective Borough commander, Intelligence Division, Commanding Officer, Bias Incident Investigating Unit, Police Commissioner and Deputy Commissioner-Community Affairs (during business hours).

PRECINCT DETECTIVE UNIT MEMBER

16. Conduct an immediate investigation and confer with Bias Incident Investigating Unit personnel.
17. Forward duplicated copy of COMPLAINT REPORT and COMPLAINT FOLLOW-UP (PD313-081) to Commanding Officer, Bias Incident Investigating Unit (DIRECT) within ten (10) days after incident.

NOTE

The precinct detective unit member is responsible for the conduct of the investigation unless relieved by Bias Incident Investigating Unit personnel. However, the Commanding Officer, Bias Incident Investigating Unit may, at his discretion, retain sufficient Detective Bureau personnel to conduct a comprehensive preliminary investigation and canvass of the area.

BIAS INCIDENT INVESTIGATING UNIT MEMBERS

18. Evaluate situation and make determination AFTER conferral with Commanding Officer, Bias Incident Investigating Unit to:
    a. Assume complete control of investigation, OR
    b. Participate jointly with Detective Bureau personnel OR
    c. Have precinct detective unit personnel assume full responsibility for the investigation.

BOROUGH COMMANDER

19. Visit and personally interview victims of bias incident.
    a. In appropriate cases, the borough Executive Officer or Zone Commander may be designated to interview victims.

PRECINCT COMMANDER

20. Visit and personally interview victims of bias incident.
21. Prepare and forward comprehensive follow-up report within ten (10) days of incident including post-incident actions of all departmental units and the current status of investigation to Chief of Operations, Bias Incident Investigating Unit, through channels.

CRIME PREVENTION OFFICER

22. Prepare and forward a report within ten (10) days of the incident to Commanding Officer, Bias Incident Investigating Unit indicating action taken concerning incident and whether a security survey was conducted.

PATROL GUIDE

PROCEDURE No. 108-26

BIAS MOTIVATED INCIDENTS

DATE ISSUED	DATE EFFECTIVE	REVISION NUMBER	PAGE
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WHEN PRECINCT COMMANDER/DUTY CAPTAIN DETERMINES INCIDENT IS NOT BIAS MOTIVATED

PRECINCT COMMANDER/ DUTY CAPTAIN	23. Notify Precinct Detective Unit. 24. Notify Operations Unit that offense is not a bias incident (no log number necessary). 25. Direct Crime Prevention Officer to personally contact and advise complainant concerning actions to take to prevent recurrence, if offense was committed at a religious institution or a sensitive location.
PRECINCT DETECTIVE	26. Conduct appropriate investigation. 27. Forward copy of COMPLAINT REPORT and COMPLAINT FOLLOW-UP to Chief of Operations, Bias Incident Investigating Unit within ten (10) days after incident.
CRIME PREVENTION OFFICER	28. Prepare and forward a report within ten (10) days to Commanding Officer, Bias Incident Investigating Unit if offense was committed at a religious institution or sensitive location indicating action taken and whether security survey was conducted.

INTERIM ORDER NO. 54

POLICE DEPARTMENT
CITY OF NEW YORK

July 30, 1985

TO ALL COMMANDS

Subject: EXPANSION OF BIAS INCIDENT INVESTIGATING UNIT'S JURISDICTION

1. Criminal acts that are motivated by prejudice against people because of their race, ethnicity or religion may also be motivated against people because of their sexual orientation. Therefore, the jurisdiction of the Bias Incident Investigating Unit has been expanded to include bias incidents involving gays or lesbians.

2. Accordingly, pertinent provisions of Patrol Guide procedure 108-26, entitled "Bias Motivated Incidents" are amended:

a. The "Definition" statement will read as follows:

DEFINITION Bias Incident - Any offense or unlawful act that is motivated by bias or prejudice based on the victim's race, ethnicity, religion or sexual orientation.

b. The "Procedure" statement will read as follows:

PROCEDURE When a uniformed member of the service is dispatched to the scene of a reported bias incident or an incident which may be a bias incident:

c. Step 2 will read as follows:

2. Determine if possibility exists that offense or unlawful act is motivated by bias or prejudice based on the victim's race, ethnicity, religion or sexual orientation.

3. The remaining provisions of Patrol Guide procedure 108-26 are unchanged.

4. Any provisions of the Department Manual or other department directives in conflict with this order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

This testimony has been prepared and delivered by Dr. A. Damien Martin, Co-Founder and Executive Director of The Institute for the Protection of Lesbian and Gay Youth, Inc. (IPLGY) and Joyce Hunter, CSW, Director of Social Work Services at IPLGY and Human Rights Commissioner of New York. Dr. Martin is also an Associate Professor at New York University's School of Education, Health, Nursing, and Arts Professions. He is a member of the New York State Council For the Prevention of Teenage Suicide and The Mayor's Advisory Council on AIDS. Ms. Hunter is a member of the New York State Governor's Task Force on Gay Issues.

Gordon Allport, in his famous work The Nature of Prejudice points out that systematic violence against a group occurs only after systematic stigmatization of that group. The sociologist, Erving Goffman puts it another way

> By definition, of course, we believe the person with a stigma is not quite human. On this assumption we exercise varieties of discrimination, through which we effectively, if often unthinkingly, reduce his life chances. We construct a stigma theory, an ideology to explain his inferiority and account for the danger he represents.

The most obvious examples of this relationship between the slandering of groups and the exercise of systematic violence against those groups are, of course, the Holocaust and our own lynchings and other violence against blacks. Both groups were pictured as dangers to the country, to the family, to children, to civilization, evolutionary progress, etc., etc. They were pictured as fomenters of violence, rapists, and otherwise the perpetrators of the very acts visted on them.

The same process is seen in the slandering of the homosexually oriented that results in violence. The so-called dangers of the homosexual range from a danger to the family to a danger to civilization. Homosexuals are repeatedly held up as dangers to children despite the repeated evidence that heterosexual child abuse and heterosexual sexual molestation is endemic in our society. Homosexuals have even been accused of causing crime in the streets (Christian anti-communist crusade, 1981), the second World War (Podhoretz, 1977), the Holcauset (Jackman, 1979) and Lowered SAT scores (Falwell, 1984). We have recently had the Chief Justice of the Supreme Court suggest that homosexual behavior between consenting adults is worse than violent rape.

Religious leaders seem at time to defend if not to encourage violence against the homosexually oriented. Jimmy Swaggert states that

> God is saying here that not only is the homosexual

> worthy of death, but (perhaps) also those who approve(sic) of homosexuality. (p. 21)

Father Enrique Rueda, a Roman Catholic priest, defends those who physically attack and beat up homosexuals "...as social agents of the majority of the population." (p.14)

Often the violence against gay people is defended as somehow caused by the victim. Tim LaHaye, a right wing evangelist, argues that

> Much of the "hassle" homosexuals complain about from the straight community is caused as much by their display of hostile feelings as by society's reaction to their homosexuality"(p. 52)

Noach Dear, an orthodox Jewish councilman in New York claimed, on television, that homosexuals wouldn't be beaten up if they didn't wear pink triangles or otherwise show their homosexuality. When asked how he would respond to a similar statement about the beating of an orthodox Jew, that is, he would not have been beaten up if he did not publicly wear a yarmulke, Mr. Dear did not respond.

Again like the Jews in Europe and Blacks in this country, homosexuals are accused of the very violence that is perpetrated against them. Kenneth Gangel, a fundamentalist minister, accuses homosexuals of gang rape as a regular occurrence.

All homosexuals suffer from this systematic lying. But perhaps those who suffer the most are gay and lesbian adolescents and their families. Because of the lack of access to appropriate information, the discovery of the homosexuality of a child often triggers dometic violence and expulsion of the child from the home. The systematic slandering also sets the young people up as appropriate targets in their schools, encouraging other children to despise and often to attack them. Isolated within their families, within their schools and neighborhoods, they often end in places like Times Square or the piers in New York, victim to the violence and danger of all kinds.

We at the Institute for the Protection of Lesbian and Gay Youth, Inc. (IPLGY) have tried to address these and many of the problems faced by gay and lesbian adolescents. The IPLGY is a social service agency that offers a full range of services free of charge to gay and lesbian adolescents and their families. The age range for adolescent clients is from 12 to 21 years of age with 17.1 the median age of those presenting themselves at the agency; 15.4 the median age of those availing themselves of telephone counseling. Forty percent of the youth are black, 35% are white, 20 % Hispanic, 2 % Asian, and 3% other; sixty % are male, 40 % female. The socio-economic status ranges from homeless poverty stricken youth to the children of wealthy families. Twenty percent of the young people who come to us are homeless, seventy eight percent are of the working or middle class, and two percent of the wealthy class. It should be stressed, however, that of the twenty percent who are homeless and thus classified in the lowest socio-economic level, approximately, half are from families in the upper ranges. They have often been pushed out of their homes on to the streets after their homosexuality has been discovered.

We have collected some figures on violence from our clients. The figures presented here are taken from the presenting problems recorded for the first 809 adolescent clients who actually registered in programs at the Institute. Thus the figures are on the conservative side. Forty one percent of adolescent clients who applied for social services, had suffered violence of some kind because of their sexual orientation before they had come to the agency. That is, of the 809 clients who presented at the Institute, 328 reported violence of some kind.

Of those who reported violence, 89, or 27% are white, 109 or 33% are black, 123 or 38% are Hispanic and 6, or 1.8% belonged to other racial or ethnic classifications.

Two hundred and forty three males and 85 females reported violence connected with their sexual orientation.

Thirty five percent of the violence came from family members, especially parents or step-parents, but sometimes brothers or sisters. Seven percent of the violence originated from adults on the streets. Fifty eight percent of the violence was from peers.

It should be noted that 29% of our clients attempted suicide before they came to us. This accords with other research which indicates that gay and lesbian adolescents are at high risk for suicide, but that the suicide rate falls dramatically after the teens.

The figures, as striking as they are, do not tell the whole story. The following anecdotes are only meant to be ilustrative of the range of violence suffered by these young people.

Tommy, a fifteen year old white male was discovered to be homosexual. His mother threatened to shoot him; his father threw him against the wall and beat him regularly. He finally ran away.

Brian, a seventeen year old white male from an Irish Catholic family, beaten severely by his father when he was discovered; ran away and now works as juvenile prostitute.

Kathy,a sixteen year old black female, her mother threatened to kill her when she discovered she was having a lesbian relationship; mother's boy friend raped her.

Jose, a 14 year old Hispanic male, effeminate, had clothing ripped off by gang of boys in school and was gang raped by those boys. Was subjected to repeated sexual attacks afterwards. Became school phobic and dropped out.

Jesus, a 14 year old Hispanic male brought to the agency by his father. He was repeatedly taunted and attacked by the boys in the neighborhood and at school. Situation was exacerbated by verbal abuse by teacher in the school. Father was afraid for his life and was looking for placement where he would be safe.

Shirley, a fifteen year white girl, discovered by her class mates, was threatened and physically harassed by her male classmates.

Michael, a sixteen year old Italian male, told his mother he was gay because he thought she would understand. She came into his bedroom that night with a knife because she had to "cut the evil out of him." Ran away and now lives in a group residence.

Anthony, a fourteen year old caucasian male, had been raped several times by his priest. He was afraid to tell because he thought he would not be believed.

Xavier, a fifteen year old Hispanic male, was hospitalized after he was beaten severely with baseball bats by fag bashers because he was sissy.

Joshua, a seventeen year old white male; child of wealthy parents. Had been beaten repeatedly by his classmates in his very expensive private school on the East Coast. The prinicipal expelled him, stating that, since he was the only one who was being beaten up, it was obviously his fault. The parents supported the teacher. Joshua ran away at the age of fifteen and had been supporting himself through prostitution for two years when he finally came to IPLGY.

One final word about the violence against these young people. It is often the result of the actions of adults who are supposedly in positions of caretakers. The following two examples are ilustrative of the encouraging of violence by teachers.

Jimmy, a 13 year old white male, was slightly effeminate. The gym teacher told him in front of the whole class that since he wanted to act like a girl, he could stay in the girls section. After being singled out like this by the gym teacher, he was verbally and physically harassed by his classmates to the point that he dropped out of school.

Arthur, a 15 year old white male, was harassed physically and verbally by his classmates in a Catholic school in Manhattan. Despite frequent complaints by the boys parents and by the young man himself, nothing was done to the boys who beat him up, tore his clothes, threw his books done on the floor, humiliated him, etc. Finally the father took him out of the school when the disciplinarian said that it was the boys repsonsibility to fight back even if he got his legs broken.

We have only touched on the problem of violence against gay and lesbian youth. Most cases are not reported. Many of the young people who drop out of school do so because of the violence against them. Schools, although aware of the rpoblem, refuse to do anything about it because of the fear of reaction by anti-homosexual religious and community groups. Hopefully, this committee represents a beginning step to dealing with this problem.

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Mr. **Conyers**. Panel 3 consists of Kathleen Sarris of Indianapolis, Robert Gravel of Lewiston, ME. William Edward Hassell, Washington, D.C. Mrs. Kathleen Sarris.

TESTIMONY OF KATHLEEN SARRIS, INDIANAPOLIS, IN; ROBERT GRAVEL, LEWISTON, ME; WILLIAM EDWARD HASSELL, WASHINGTON, DC

Ms. **Sarris**. Good afternoon, my name is Kathleen Sarris, I am from Indianapolis, IN; president of Justice, Inc., which is a State gay advocacy organization, and I am here to testify as a victim.

Four years ago, I appeared in a series of radio and television programs, primarily debates with members of fundamentalist Christian sects. Over the course of these debates, there were a lot of inflammatory statements being made on both sides.

We are also in the middle of getting a bill introduced in the Indiana Legislature, which would amend the Indiana Civil Rights Code to include sexual orientation.

We found that tensions were running very, very high. It began in July, the beginning part of July, I began to receive telephone calls and threats by letter that were of a religious nature, but also threats against my sexual orientation.

They came so frequently that I felt compelled to leave my home, and I moved in with a friend on the other side of the county. Within 3 days, the letters and the telephone calls followed me to this friend's house. We decided to go to the Indianapolis Police Department, report, take the letters down and see what they could do to help us.

We talked with the detective in the department. We were told that there was nothing that they could do. They took some of the letters and put them in a file, and we were told that if we couldn't stand the heat, we should get out of the kitchen.

After a few weeks, the letters stopped, for—it was about a 3-week period that went by, and I felt relatively comfortable that whoever it was was just a crackpot, and I was one evening coming out of my office, and my office was located in a complex that was busy from 8 in the morning until generally 11 or 12 at night.

As I turned to lock the door to my office, I felt a gun at the back of my head, and I was asked to go back into my office.

For the next 3½ hours I was beaten. I was assaulted sexually, and I was raped. Throughout the incident the man kept saying over and over again that the reason he was doing it was to put an end to what was happening in Indiana, and that somebody had to stop it, somebody had to stop the gays and the lesbians, and that he, in essence, was going to either kill me or I would walk out of there heterosexual.

When he realized that he was not going to make me a heterosexual, he put the gun back to the back of my head, and I could hear the chamber click into place. It was at that point that I realized I had absolutely nothing to lose and that he fully intended to kill me, that I picked up something from my secretary's desk, and I swung around and hit him with it.

We struggled for several minutes. The gun was lost and he knocked me out cold.

I came to before a half an hour later when I telephoned using the emergency 911 number and reported the assault, and was told by the operator that I, in fact, called the wrong number, and that I wanted the Marion County Sheriff's Department, not the Indianapolis Police Department.

I was unable to dial, and the operator refused to dial for me. I had to wait several minutes until I could get together enough to dial the Marion County Sheriff's Department.

They were there within a few minutes. They were very good in that they did the best possible job I believe they could in investigating this assault.

It was at that point that I found out that the Indianapolis Police Department did, in fact, have alternatives to what had happened, that they could, in fact, have tested the paper for fingerprints and to see if there was anything unique about the ink or the paper that was being used and ordered a telephone, or my friend's phone, to try to track this individual.

They did none of those things, and I feel very strongly if the police department had worked with us that the assault would not have taken place, but that is not uncommon in States like Indiana and Illinois, Chicago, Ohio, Michigan, Wisconsin.

Police departments don't necessarily want to work with gay communities. I commend the New York City Police Department for the work they are doing and in Philadelphia, and in Boston, but I know for years attempts have been made to get the Indianapolis Police Department to work with the gay community in resolution of crimes and to try to relieve tension, and it has gone for naught.

In 1983, Justice started a program of cataloging calls that involve violence against gays and lesbians, and we also started cataloging calls that were reports about police brutality and police harassment against gays and lesbians, and what we found was that it was significantly high, a lot higher than we had thought it would be.

We also began to look at police cases and discovered that over a period of 2 years in Indiana at least 14 young gay men had been murdered systematically in the same method.

We went to the police department and we were told, in fact, these were not committed by the same person, and they were random acts of violence and had nothing whatsoever to do with the fact these young men were gay.

We went to the Indianapolis Star and presented them with the evidence, and they published a series of articles and continued to investigate the crimes, and the total number of people dead was 22 over a 2-year period of time.

The State police enacted a special task force to investigate. They linked the crimes together or they linked the crimes with murders in Kentucky, Chicago, and Ohio, and an arrest was made by the Indianapolis Police Department.

The person arrested had to be released because the police department violated his civil rights and had not sought proper warrants for search and seizure.

The gentleman who was arrested in Indianapolis and released was arrested 6 weeks later in the city of Chicago, and a month ago he was convicted, and 2 days ago was sentenced to the electric chair for a series of murders in Chicago.

We worked better with the Chicago Police Department than we could work with the Indianapolis Police Department, but that is very common in areas of the country that are of the size like the State of Indiana or in southern Illinois where you have problems.

Throughout 1985 we cataloged antigay violence, and we discovered that we had 67 calls to our office of reports throughout the State of Indiana from gays and lesbians who felt they had been attacked physically because they were gay and lesbian, but so far this year we have 83 calls that have been logged with the vast majority of those telephone calls coming in within 4 weeks of the Supreme Court's decision on sodomy.

Indiana doesn't have a sodomy law, but there is tremendous fear and tremendous backlash effect on the gay community because of AIDS and because of other incidents that have occurred in the State.

The Supreme Court's decision made it open season on gays and lesbians throughout the Midwest, and I think that is something that needs to be considered by this committee.

The Supreme Court's decision was one of the most ludicrous, immoral decisions I have ever read from the Supreme Court.

I would like to urge the committee to work more openly and to try to get the Federal Government to be much more open in combatting antigay/lesbian violence.

I think that the Federal Government can take the lead and begin to look at what types of programs are working around the country, and try to assist local communities in putting those things into effect in their communities.

It is very difficult, like I said, to work with a police department who refuses to acknowledge publicly that they have ever met with a community, and whose response to repeated reports of violence is, "If you were not so blatant, you wouldn't be attacked."

That doesn't just come from a lack of political involvement, because gays and lesbians in Indiana are involved politically and work with both parties and have done a tremendous amount of political work at the local level and in the legislature.

It comes from just plain ignorance and an unwillingness on the part of many, many police departments to move forward.

When you look at the middle of the country, that you look at police departments as being really the last bastions of public bigotry, and that is not going to go away without some lead from the Federal Government.

Mr. CONYERS. Thank you very much.

I appreciate the courage it took for you to come forward here and put this on the public record. I admire the persistence and your determination to have your rights like everyone else in the United States.

I will address the question of how we politically deal with this matter a little bit later.

It calls for more continued political activism rather than writing that off as an unsuccessful group.

Mr. CONYERS. Mr. Robert Gravel.

Mr. GRAVEL. I am Bob Gravel from Lewiston, ME, and I am here to tell you about my ordeal as a gay man.

My ordeal started in March 1985 and lasted for 8 months. My tormentors followed me, threw objects at me. I went to the police department on 15 occasions and went to the court system, had papers served on these people. Nothing stopped them.

These people decided on November 1, 1985, to get me. They had earlier said they would, "kill this faggot." What I did, I borrowed a gun. I never used a gun before, but I knew in my heart that these people were going to kill me.

So, on November 3, 2 days after the severe attack, they came, surrounded my house, and started to kick the door in. I called the police. Apparently they were busy.

I informed them, "I will take care of it myself." I figure by saying that, the police would get there in a hurry. I live a minute and a half from the police station.

The kicking continued. I grabbed the gun. I called the police again. I ran to the front of my apartment where I have another exit, and there were other people out front. Then I decided, "There is no way I can get out of this apartment except to jump from a third floor window." I decided to face the men who were kicking in my door. These guys ran down the stairs before I got to the door. At first I thought, perhaps they are setting the building on fire to flush me out.

I went downstairs. I opened the door that enters into the building. One of them saw me and he said, "He is out here." Then they proceeded to come after me.

I fired in the air. It didn't stop them. Then I brought the gun down, and due to the fact that I never shot a gun, one of the men was hit. He fell to the ground. And then I shot at the other man, but toward his feet, toward the ground, and what happened, the bullet hit the man I had hit the first time again.

I recall that I was picked up, brought to the police station, but never arrested. In Maine, when there is a shooting and someone dies, the State police take over. And the State police saw the complaints I had, the court order for these people to stay away from me, and nothing was done.

This had a lot to do with my not being put in jail.

Three weeks after the shooting, I went to the man's grave who had decided he wanted to kill me. I knelt in prayer, put my hand over his grave, and I told him I forgave him for his hatred and wanting to kill me.

Five weeks later I was brought in front of a grand jury, and after hearing my testimony they decided not to indict me because they found me innocent by self-defense.

Mr. CONYERS. Thank you very much. Mr. Edward Hassel.

Mr. HASSEL. Yes, sir. Thank you for having me here.

I apologize for being marginally unprepared. I found out last night that I was to testify today.

My story is sort of in two parts. One of them got a lot of public exposure several years ago. The other has never gotten any exposure at all.

I am going to start with the one that didn't get exposure first.

When I first moved to Washington, I worked at a liquor store in Northwest Washington, and I knew a number of people who were in the shopping center across the street. And I am somewhat of an accomplished amateur photographer. One of the people asked me to photograph her daughter's wedding.

So, I went out to Fairfax with another person who worked across the street at the shopping mall, midafternoon on a Sunday afternoon, and as we were entering the apartment building where the family, whose daughter was being married, lived, a man came across and told me I couldn't park where I had parked the car I was driving. And he made comments: You know, "We don't allow faggots to park in our parking lot."

At one point, he grabbed the wrist of the woman I was with hard enough that the bracelet that she was wearing broke and fell to the ground, and he pushed her aside and then into me. At that point, I swung a camera at him hoping if I did that he would let go of her. Instead, he came after me with both fists. He put me in a hold—and I am not much of a sports person; I have never been active in sports—but I am told afterward this was called a half-nelson. It involves putting an arm under your chin and locking your head back so you are essentially immobile.

Well, he missed. Instead of going under my chin, his arm went right across my mouth, and I bit a chunk of flesh out of his arm, apparently a big chunk. That is what ended the fight.

I went on to the wedding. I was a bit shaken, but I am supposed to be the photographer at this wedding. You have got to do what you have got to do.

The next morning, I got a phone call from the Fairfax County Police wanting me to come clear up a little problem. The man had apparently gone to a hospital and had his arm sewn up, which required 10 or 12 stitches, and had then gone to the police and had me charged with assault. I was finger-printed, handcuffed, left in a room for about 4 hours. The police officer there—I can't say——

Mr. **Conyers**. This was in Washington, DC?

Mr. **Hassell**. This was in Fairfax County.

I can't say they were really bad to me, but they were certainly inconsiderate. I had explained to them over the phone, when they called me Labor Day morning—this was Labor Day weekend—that, "It wasn't me who did the assaulting; it was the other guy." They said, "Well, you know, we are going to be watching for you. If you cross the border into Virginia, we are going to arrest you. Come over here and clear this up."

So, finally, they let me call somebody. The long and short of it is the man who had made the charges against me, the man I had bitten the arm of, was a retired Air Force Colonel. By the way, he was about 6 foot 2, and weighed about 215 pounds, and was a physical fitness nut. I am 5 foot 9 and weigh about 150.

And it went to court. By accident, I carried a friend of mine, who happens to be lesbian, with me. The judge perceived her to be my girlfriend and berated the prosecuting attorney for ever allowing this thing to come to court. I don't know if the judge had not thought that my friend was my girlfriend, what would have happened. I really don't know. It worries me.

At any rate, it was thrown out of court. The charges were dropped.

The second incident occurred just a few years ago. I had gone to a bar on Wisconsin Avenue that is not the stereotypical gay bar, the stereotypical gay bar being somewhat like some of the straight bars that are pickup places. C's on Wisconsin Avenue was sort of a watering hole that a large number of gays frequented, large being 25 or 40 people. That is about how many would fit into it. Everybody knew everybody.

I noticed two people who entered a few minutes afterward because one of them was an unfamiliar face. The other one I had seen there before, but I didn't know him. Other than telling the two how to sign up to play pool on the pool table, I did not speak to them at all.

I was not drinking that night. To my knowledge, they had only one beer.

When I left the bar, they followed me outside. They approached me on the street in a very friendly manner. One of them had been making overt passes at me in the bar that I had been ignoring. In fact, I had been laughing about it to another person I knew there.

Out on the street, they were very friendly. One of them was sexually aggressive toward me. They said they were American University students. They asked me if I wanted to go over to a party at American University that was going on that night. Well, I had also been a student at American University. I knew the gay group on American University's campus.

I perceived these two to be lovers. I didn't suspect that there would be a problem. And, like a fool, I agreed to go with them to a party on American University's campus.

Instead, they took me to Battery Kimball Park, which is over behind Georgetown University off Chain Bridge Road in the District. They forced me at knife-point to strip. They beat me. One of them stood on my wrists leaning over my face holding a knife point at my throat so that any way I moved would dislodge him and he would fall into me, forcing the knife through my throat, while the other one systematically kicked me in the groin, in the side.

They made me address them as "Sir." They made me beg to be made into a real woman. They threatened to castrate me. They threatened to emasculate me. They called me "Queer," "Faggot." One of them urinated on me. They threatened me with sodomy.

They kept me this way for about an hour. And there is an old southern expression called "playing possum." I kept trying, but they were hurting me so badly that I couldn't help but cry out in pain.

Finally, I think I probably was close to passing out—I don't know—but finally I fooled them. They thought I had passed out. They relaxed a little bit. They stopped kicking me around for a few moments while they talked.

One of them said to the other one, "Let's finish him off and get out of here." The one holding the knife raised the knife over his head and swung it at my throat. I reached up and grabbed the blade of the knife to avoid it going through my throat and managed to roll my body into his legs. He fell across me. I managed to get out from under him, and I ran for my life.

One of them chased me on foot. The other one went back and got in the truck they had been driving and went out to the road waiting to run me down when I came across the road. Luckily, the path I chose out of the park didn't cross the road where he thought I would be, or I probably would have not lived.

Also, luckily, even completely nude, bleeding and badly hurt—I guess adrenalin or whatever—it managed to enable me to outrun the one pursuing me on foot. He followed me about 400 yards through the park, across Chain Bridge Road and into a woman's yard. He only quit following me when the woman awakened at 2 in the morning—this whole thing had started at 12:30—turned on lights in the house, and let me in.

I was trying to break my way into her back door—her back door because he had followed me to her front door and I had finally, figuring I couldn't get through a solid front door, had gone around to the rear, and it had a glass panel. I was trying to put a piece of tree limb through the glass panel in the door. She took me in. She called the police and an ambulance.

The police arrested the one who had been following me on foot within minutes. The two young men were seniors at St. John's College High School here in Washington. It is a prestigious Catholic military prep school.

I identified the one they arrested while I was in the hospital. They brought him into the hospital rather than waiting for me to come out and view him in a lineup, because they didn't know that night whether I would live.

I spent 5 days in the hospital. My condition was bad enough those 5 days that they chose not to operate to repair the damage in my hand until I had recovered physically.

A month later, I went back to the hospital again for 5 days to repair damage to my hand. I went in again a month and a half later for 1 day to repair further damage to my hand.

I remained under medical observation for about 5 months for damage to my groin. One of my testicles has what amounts to a cyst and blood clot in it because of the attack, that the doctors consider serious enough to warrant suggesting that I get a sonogram about every 6 months for the rest of my life to monitor its progress. They considered operating to remove that testicle, but they decided not to; it stabilized. The swelling in my groin took 3 months to return to normal.

The boys were at school the next day. That is how long they stayed in police custody. They were charged by a grand jury with 11 felonies. There was a plea bargaining session that reduced it to assault with a deadly weapon, a knife. The charges originally included intent to commit murder, mayhem, assault with intent to kill, and armed robbery.

I don't fault the police department here. The police department, in my case—I think I was very lucky to have had this happen in DC—the police department were exemplary during and after the incident. The U.S. Attorney's Office I think carried through with it at all because some of the clients in my business are important in the legal system in the Washington area. I am a computer consultant, and my clients are many of the area's top law firms.

When the thing went to the original hearing, at which the two pled guilty, the judge presiding was Judge Fred Ugast. He had children at St. John's College. So the defense attorney's tactic was to have the school write the judge letters containing essentially statements that, surely you, as the father of students at St. John's High School, understand the importance of keeping these boys in a controlled high school environment. That is what is best for them. So, Judge Ugast resigned from the case, and it was taken over by Judge Nunzio.

Judge Nunzio put off sentencing at the convenience of the boys' high school graduation. After they graduated, he held a sentencing hearing. He had the prosecuting attorney make a statement. He asked me if I wanted to make a statement, and I said a little bit about what had happened.

Then he asked the defense attorney to make a closing statement, and in that statement the defense attorney invented two new witnesses as to my sexual behavior. They were members of a local drug rehabilitation group called the Young Dillingers. They were essentially street toughs. I had never seen either of them before in my life. The defense attorney described explicitly the kinds of things I liked to do with these people in the most gross and debased terms imaginable.

There was a reporter sitting next to me who turned to me and asked what this was, if I had ever heard of this before, and I turned to him and shook my head and said no.

The judge stood up and said, "Young man, you have had your chance to speak in this court. If you say another word, I will hold you in contempt." Then he proceeded to give the two boys unsupervised probation for a period of 3 years, and 400 hours of community service in a soup kitchen, on the grounds they were intoxicated when it occurred—not to my knowledge, they weren't—and it was a homosexual provocation on my part and an overreaction on their part.

Subsequently, I pursued the thing through civil court. I spent 2 days being cross-examined during which they accused my doctors of being gay, they accused me again of situations that I was not involved in, they accused me of going to the bar specifically to pick up young men.

I suppose "married" is not the right term, but I am a happily married man. My other half happens to be in the military, and that is a problem, too, a very serious problem.

At any rate, I managed to go through 9 days of court. At one point, one of the defense attorneys, quote, unquote, "hurt his toe" to the point where he could not be in court the next day. This was immediately after me describing what had happened to me the night of the attack. So, he created—I can't say that; I can't prove he didn't hurt his toe—but he stubbed his toe and went to the hospital and had it bandaged, showed up 2 days later with a cane and a bandage about the size of your average, whatever, in order, at least in my opinion, to——

Mr. **Frank**. Can I suggest it probably would be best if you skipped over that and get right to you? I think you are going to confuse the issue in ways that won't be helpful.

Mr. **Hassell**. OK, sir.

The outcome was, I got a settlement of $28,400, of which $8,000 was punitive damages. That doesn't cover my medical expenses, much less the legal expenses involved in pursuing it. And it is highly unlikely that I will ever be able to collect that.

The boys have nothing themselves. One of their parents is a multimillionaire in the Washington area. The other's are probably not considered affluent, but certainly well to do.

One of them's comment on leaving the room was that he certainly wasn't going to pay some faggot for getting his son in trouble.

Mr. Conyers. I can understand your feelings.

If you don't have anything further, I would like to thank you and all of the witnesses for joining us here. It is important that the excruciating, embarrassments of this kind of personal involvement be put on this record. It is not the best part of this hearing, but I do think that this committee and this Congress, in bringing this matter to the public, can't overlook or ignore the kind of personal testimony that each of you have put upon the record.

It is not an easy matter, obviously. And you have my understanding and sympathy, and I think that it will have some positive benefit to many Americans who have no idea, except through distorted myth, of what this experience is like.

I think we have moved an important step forward today, and your testimony is part of the record.

I would like to suggest to Ms. Sarris that she not discount the importance of the political process. I say it for this reason: If political progress moved on a straight, upward line, it would be very nice; it would be very predictable. You do this, you do that, and the yield should be this and should be that. Unfortunately, social and political progress and understanding is very, very limited, and it sometimes slides forward; it sometimes slides backwards.

What someone else can do in another jurisdiction with the same amount of energy, or even less than yours, might be a much more positive result.

So, all I am saying is that sometimes, because of the circumstances in your area—which I think you already understand—it is going to take more work and continued work in the political arena to bring about the kind of change. You are working in a very difficult environment. I fully appreciate that.

Ms. Sarris. Just a clarification, Congressman Conyers.

I have not abandoned the political process. I am very heavily involved in the political process in Indiana. My statement was that political progress within the gay and lesbian movement does not necessarily correspond with progress relative to police departments; and that in some areas of this country, the police departments are, in fact, the last entities to give way.

It just continues to be a battering of people who continue to try to break down those walls. We have a number of areas in the State where the mayors of cities have thrown up their hands and said there is little that they can do other than to continue trying to make progress with their own police departments.

Mr. Conyers. I am happy to know that your views about staying active are in no way diminished.

Let me add to that, then, that the police are in the political process. The problem is that they are indirectly involved in the political process. You can't vote a policeman out of office. As a matter of fact, there have been some suggestions that policemen ought to be elected, or at least their chief, since they discharge some of the more important functions in municipal government.

But, even though you can't reach them directly, they work under people who are elected, and the real measure of your effectiveness is when the people that are subject to the electoral process begin to force that change. That is the history of how things happen.

So the fact that the police haven't responded is, to me, perfectly understandable. You can't select them. We have to see and perceive that connection, because in the end, as remote as it may be, they are a part of this political process. That is the nature of police in the municipal system.

So, I encourage you, and I am glad to know that you apparently are not discouraged by the difficulty that you had in bringing change in your jurisdiction.

I recognize the gentleman from Massachusetts.

Mr. **Frank**. Thank you, Mr. Chairman.

As we come to a close, I want to express my appreciation again. I think this has been very, very important.

I also want to express not just my appreciation, but my admiration, both in my official and personal capacity, to all three of the witnesses, not simply for coming here and publicly discussing what you have been through, but for having had the courage to go through it and to have responded as you did, to have pursued this through the courts, to have exercised your rights of self-defense. Those are very important, and I think they are important models for people, that victims of this kind of violence who are able to fight back—and everyone is—are deserving of a great deal of praise.

Just to repeat what I have said in the Congressional Record, Judge Nunzio's behavior in your case was a disgrace. He does not belong on the bench. I would invite Judge Nunzio, if I could call his chambers this afternoon, and see if he wants to respond to this, Mr. Chairman, if you would keep the record open. But I have already done that in the record.

I haven't been as familiar as most residents of the city with what happened to you, and I think it was a disgrace.

You mentioned the U.S. attorney's office. I will say there was a case a little while ago of a very serious assault outside of a gay bar, and there was some question—the police responded quite well, as they did in your case—there was some question about the U.S. attorney's willingness to prosecute.

I called Mr. DeGeneva at the time and found him to be fairly responsive. It got some attention. I think at the upper levels, at least, there is a willingness to prosecute that may have been helped by your doing what you did. But your willingness to endure the travails after civil suit was really quite important, and I appreciate it.

All three of you, I appreciate it. We all apologize that you still live in a society where there is that kind of bigotry and where you are subjected to that. You all deserve better of the system. But your willingness to come forward may help us minimize the number of other people who are victimized.

I thank you.

Thank you, Mr. Chairman.

Mr. **Conyers**. You have our continuing cooperation. We will keep the record open in the event that anybody whose name was mentioned chooses to respond.

Of course, we will be working together in the struggle to bring justice to everybody in our society.

Again, you have the committee's thanks.

[The prepared statements of Ms. Sarris and Mr. Gravel follow:]

III Sarris
Record

[illegible]

Testimony
SubCommittee
Criminal Justice
from
Kathleen A. Sarris
President, Justice, Inc.
1537 North Central Avenue
Indianapolis, Indiana 46202

In June of 1982, I appeared in a press conference as the representative of Justice, Inc. The news conference was covered by all print and television media. The gay/lesbian community was embroiled in conflict and controversy with members of several right-wing ministries because Justice, Inc., had thwarted attempts by these individuals to block several of our speaking engagements and our annual Brunch. The press conference was convened to delineate our success over the past year, outline our future plans, and to counter the inflamatory statements being made about our community.

Within 24-hours of the aforementioned press conference, I began receiving threatening telephone calls and letters. The phone calls and letters were religious in nature; they spoke of acting in the name of God or Jesus and exacting retribution. They also spoke of my leading people to become sodomites, and that this person would put an end to my work. My initial response was that it was an annoying hoax, and it would die down and go away. Instead, the letters and telephone calls continued with systematic regularity. I decided to move out of my home; I moved in with a friend, and fellow Justice Board member, John Tofaute. Within days, the letters and phone calls resumed. It was very apparent that I was being tracked. John decided that I needed help from the police. We took the most recent letter with us and went to talk with the Indianapolis police. Their response was there was nothing they could do, and if I couldn't stand the heat, I should get out of the kitchen! After a couple of weeks, the letters and phone calls stopped. I assumed the person got tired of playing the game.

Then, approximately two (2) weeks after the letters stopped, I was leaving my office and as I turned to lock the door, I felt the barrel of a gun in the back of my head. He pushed me back into the reception area. For the next three (3) hours, he beat me with his fists, his gun, and his belt. I was sexually molested and, ultimately, I was raped. Throughout the assault, he talked about how he was acting for God; that what he was doing to me was God's revenge on me because I was a "queer" and getting rid of me would save children and put an end to the movement in Indiana.

At the end of his torture, he had me stand up; I was facing the desk in the reception area, and he again put his gun to the back of my head. I heard him draw back the hammer, and the chamber clicked into position. It was at that point it occurred to me that I had nothing to lose. I picked up an object from the desk and swung around and hit him in the head. While he was stunned, I kicked him and he lost the gun. We struggled for about ten (10) minutes until he finally knocked me unconscious. When I regained consciousness, about an hour later, he was gone. I called the Marion County Sheriff's department and then a friend. The deputies could not find the gun. They assumed that my attacker thought he had killed me with a blow to the head. One (1) of the deputies took me to the hospital where I was met by detectives from the Sheriff's department. I was in the Emergency room for eight (8) hours; I suffered a concussion, hair line fracture of my right cheek bone, dislocation of my jaw, and damage to my left knee.

While I was in the Emergency room, the detectives were able to piece together the whole scenario of the past few months. It was then that I learned the Indianapolis Police department could have attempted to get fingerprints and conducted a paper and ink analysis on the letters; also, they could have ordered a tracer on my telephone. The Indianapolis Police chose not to give me any help.

I spent four (4) weeks healing physically. For several months after the attack, I gradually isolated myself by choosing to work 16-hours per day. I lost 20-pounds and refused to see friends and family.

Eventually; I learned to cope with the pain, anxiety, and confusion, but I had damaged my relationships with people and had to spend time re-building my life.

It has been four (4) years since the assault; and the pain is still very real.

I still do not have un-restricted freedom; my significant other and I live with constant fear that it will happen again. I also live with the knowledge that because of my orientation, I chose to exercise what I believe are my constitutional rights - that my life has no value to certain people.

Justice, Inc., became involved in the violence issue in 1983, when a member pointed out that over a two (2) year period of time at least 14 gay men, from Indianapolis, had been murdered. The local police chose to look at these murders as separate, un-connected, cases - all unsolved. We had to utilize public pressure to get the police to investigate these cases. A suspect was arrested and eventually released because the police had violated his civil rights; that same man was recently convicted of murder in Cook County, Illinois!

In 1984, we had another confrontation with the Indianapolis Police department. We received complaints that gays were being physically and verbally harassed. We researched the allegations and discovered there were some police officers who were self-appointed vigilantes and wanted downtown Indianapolis cleaned up. Again, we could not get anywhere with the police until we brought pressure on the Mayor's office.

In 1985, we asked our affiliates to tally the number of calls they received regarding physical harassment. During 1985, we totalled 67 calls. By the end of August, 1986, we were able to total 83 calls - 52 of these 83 calls were received within four (4) weeks after the Supreme Court's decision on the Georgia Sodomy law.

Anti gay/lesbian violence is a form of terrorism. It is used by some people in an effort to squelch what they believe is anti-Christian and; therefore, un-American. The violence, although publicly condemned by the spokespersons of the right, is, in fact, fuelled by their rhetoric and their perpetuation of mis-information about our community.

Respectfully submitted by:

Kathleen A Sarris

Kathleen A. Sarris, President
Justice, Inc.

Representative Conyers and members of the House Judiciary Committee's Subcommittee on Criminal Justice. *My name is Bob Gravel and my family* has lived in Lewiston, Maine's second largest city, for 75 years. Until last year I had lived there all my life, working for the last fourteen years as a shipping clerk for a shoe manufacturer.

In April 1985 three young men whom I'd seen around the neighborhood began to call me names. At first they called me "faggot" and "queer." By summer the harassment had escallated. One night they threw a bottle at me; on another they chased me in their van. One night in July I noticed this van on the street and left a note on the windshield: We all live in the same neighborhood. You live your life. I'll live mine. I even called the mothers of two of the men and asked them to tell their sons to stop bothering me.

It did no good. On August 14 the same guys stopped me while I was taking groceries out of my car. They chased me, knocked me down and kicked me. One said, "I'm going to kill you, faggot. I don't care how long it takes." He said it with such hatred that I knew he meant it.

On Nov. 1, 1985 after 8 months of harassment and threats, these people waited for me to come home. I spotted them in the alley near my home and stayed in my car. They pelted my car with rocks and bottles but I was able to escape. I saw a police car and informed them of the attack.

The police were getting impatient with me because this was my fifteenth complaint against this group. I was getting no positive response from the police. They seemed upset at me. One officer told me to stay home. Another told me I should move, but I didn't feel I should have to leave my home. I went to a lawyer and had a harassment notice served on the leader of the group and I continued to plead with the police to stop these people from harassing me.

I then borrowed a gun. I'd never had a gun and I don't like them. I was scared that these guys were going to come to my house. At 9pm on Nov. 3, 1985 they did come to my home. I looked out the window and saw one of them in the driveway. I called the police. One of them knocked at the front door and yelled obscenities at me. I was frightened. Suddenly another one began kicking the back door. They kicked and kicked at my door until the door began to break apart. I went to the bedroom and got the gun and called the police again. I could see them all outside. I felt cornered. I lost it. I ran downstairs and when one of them came at me, I fired one shot into the air. He kept coming. I shot again and killed him.

I became a different man. I became very ill, was unable to function, and lost my self-esteem. It's a terrible thing to have killed a man. I have spoken with his family and visited his grave, but this feeling continues. I cannot enjoy life again.

The same guys came to my home again in March of 1986, just four months after the shooting. Again they hollered and threw objects in my apartment windows. I called the police. The cop told me, "Gravel, you'll have to understand that these guys will go out and get drunk and start thinking about what you did to their friend."

My landlord asked me to move because he was scared of this group. Where was I to go? If I moved to another street, these people would just track me down again. I couldn't go out. I couldn't even go to the market. So the best solution was to move far away. I had to leave most of my furnishings. I lost my job. I lost the comfort of being with my family and friends. I was forced from my home.

My life now is hell. I had to begin at the bottom and take a janitor job.

I am earning $100 less a week than at my former job. I have $4000 in attourney's fees. I paid for damages around my former home, damages to my car, hospital and psychiatrist bills. The most severe damage to me was emotional; I cannot believe I had to kill to live free.

The leader of this group finally went to court. He recieved a $35 fine. The court told me they plea bargained because the court didn't have time for a trial. One man lost his life, another man lost the will to live; the court assessed $35.

Mr. **Conyers**. This hearing stands adjourned.

[Whereupon, at 1:25 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

APPENDIXES

APPENDIX 1

grow
a community service corporation

September 12, 1986

Representative John Conyers, Chairman
Criminal Justice Subcommittee
House Annex II
Washington, D. C. 20515

Dear Representative Conyers:

Please accept this letter as testimony regarding the nature and extent of harassment and violence against lesbians and gay men in our immediate area.

In reviewing this information, I remind the Subcommittee that North Carolina Criminal Code does contain a "Crime-Against-Nature" law (NCGS 14-177). While this statute applies to any person, any time, any place, it has historically been miscontstrued by the general public, by lawyers, and even by some judges as to stipulate that it is illegal to be homosexual. It has been our experience that this misconception is perpetuated by ministers, by teachers, and by journalists. The AIDS crisis is now frequently pointed up as justification for such laws, while at the same time, it is the very law which impedes the needed education and awareness with which the AIDS crisis must be met.

I. THE NATURE AND EXTENT OF HARASSMENT AND VIOLENCE.

Note: We have been gathering data in this regard only since 1984. Most instances go unreported.

In April, 1984, five men were convicted of two incidents of robbery, conspiracy to commit robbery, and assault stemming from their "operation" between July 19, 1983 and August 29, 1983, in which the two victims were gay men who had been lured to a remote area. (This is commonly called "fag-bashing".) Three other victims of separate incidents refused to press charges, even though one of the vicitims was hospitalized for a period of five days. While sentences ranged as high as 25 years, all five men are currently out of prison and back in the community. At the conclusion of the trials, the father of one of the convicted men was reported as having said that he did not believe that his son had done anything wrong.

In April, 1984, charges of manslaughter were dismissed against a Wilmington man in the death of a gay man because a judge erred in declaring a mistrial. The case stemmed from an incident in which a 26-year-old man was found beaten and unconscious, and who had been raped. He subsequently died due to internal hemorrhaging, blood loss and exposure. A co-defendent in the case was sentenced to eight years on a charge on involuntary manslaughter.

On April 21, 1984. a 35-year-old Wilmington man was found on a deserted road who had been shot five times, had suffered a knife wound in the neck, and had been robbed. According to reports the man had picked up his assailants in the downtwon area of Wilmington. Two men (a 19-year-old and a 16 year-old) were subsequently arrested. However, they were released on bond before the

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victim was released from the hospital. Upon his release from the hospital, the victim not only refused to press charges, but also refused to talk any further about the incident with anyone despite several attempts. It was later learned that the victim was a co-worker of one of the men charged in the incident.

In April, 1984, the University at North Carolina at Wilmington newspaper reported that in 1979, a UNC-W student had left school after receiving repeated beatings in his dormitory. The report also related the incident of a student in the 1984 school year who was considering leaving UNC-W after being berated by one of his professors who had discovered that the student was gay.

In July, 1984, a Wilmington lawyer who was representing a man who had been charge with solicitation for prostitution, plead his client not guilty before a judge who is well known as being homophobic. Despite the fact that a solicitation for prostitution charge must involve an offer of male-female intercourse, the accused was found guilty and fined an unusual $500. During a recess following the case, the attorney was overheard saying that this case "was so funny that I had to plead it not guilty so that we all could get a good laugh out of it."

In July, 1984, two gay men who were shopping in a large grocery store, were followed by five store employees and taunted with such words as "faggots", "homos", etc. When a suffle ensued, a police officer was called, who told the two men that they could take out a warrent if they wanted to, but that it probably wouldn't do any good. A subsequent complaint to the store's district manager was responded to with the suggestion that the two men shop elsewhere.

In February, 1985, a Wilmington business man (age 29) was found shot to death in his office. Reports indicated that he had been murdered between 4 and 8 AM, that a small amount of money was missing, but that there were no signs of forced entry. A profile of the victim has been interpreted as that of a very closeted gay man, and several gay men have indicated that he was gay. The case is unsolved.

In March, 1985, a 48-year-old Wilmington businessman was found dead in his office as the result of 9 stab wounds. There were no indications of a forced entry or of a struggle. It is believed that the murder took place between 1 and 4 AM. Though married, the victim was well-known to be gay. The case is unsolved.

In January, 1986, the nude body of a gay man was found close to a public park. The man had been bludgeoned to death and had been sexually assaulted. It is indicated that more than one assailant was involved. Both published and unpublished reports indicate that police have mishandled evidence in the case. The victim was well-known and well-liked in the community, and had reported an attack by a "gang" a week prior to his death. The case remains unsolved.

In February, 1986, an 18-year-old restaurant employee was found drowned in a nearby river, after having been missing for over a week. While known as a "troubled youth," there was no evidence of suicide nor was there any evidence of foul play. While it is not known that the man was gay, some gay men in the community did report having seen him in areas frequented by gay men.

Between December, 1985 and June, 1986, we have received 26 reports of harassment and attempted assaults on gay men in or around the parking area close to two establishments with a gay clientele. One of these assaults resulted in a successful lawsuit to recover medical costs. Another was reported to the police, but was mishandled in that the victim was never notified of the court date for the individual who was arrested. Consequently, the assailant was fined $10 and the victim was unable to recover damages for medical expenses. The remaining cases were never reported to the police by the victims.

In the summer of 1986, the Wilmington Police Dept. carried out an undercover operation resulting in the arrest of some 20 men charged with soliciting for crime-against-nature. None of these individuals chose to contest the charges even though there were several reports of inappropriate behavior on the part of the undercover officer. Published articles in the local newspaper indicated that the operation was as a result of complaints of men engaging in public sexual activity and of men soliciting young boys. However, none of those arrested were involved in or charged with anything relating to those complaints. Sentencing in the cases was uneven, ranging from active jail sentences to a suspended sentence plus a fine. Most of the cases were listed on the court calender as "crime against nature" (a felony) rather than "solicitation for crime-against-nature" (a misdeamoner), and were thus reported that way in the local paper. One case involving a prominant businessman was dismissed without explanation by the district attorney. Another case involving a prominant media personality was given special headlines.

Beginning in November of 1985, The Gay and Lesbian Switchboard of Wilmington began receiving a large number of harassing and obscene calls -- a situation which continues to this day. Currently the Switchboard receives 80 to 90 calls perday, of which only 10 to 20 are legitimate. On August 21, 1986, the Switchboard logged a total of 334 calls, of which 288 left no message or made any response when answered. It was subsequently reported that the calls had been made by a computer located within a governmental agency, but the report could not be verified inasmuch as it only occurred on that one day.

Throughout 1985, a gay man was involved in a custody case seeking custody of or visitation with his daughter. During this time, he received a call from a man who identified himself as being a leader of the White Patriots Party (KKK), and threatening him with "extermination" if he continued to press the case. Even though the call was recorded, police officials were unable to follow-up on the incident. In settling the case, the judge described the man as a "felon on hoof," but did award him visitation rights. However, since that time the mother has refused to honor that decision, and local sherriff's deputies are unwilling to assist the man in carrying out the orders.

In September, 1986, a gay man who was charged with first degree murder in the strangulation death of a 44-year-old woman at first pleaded not guilty by reason of self-defense. Half-way through the trial, his court-appointed attoney agreed to a plea-bargain of second-degree murder. However, it is noticeable that during the jury selection process none of the prospective jurors were questioned as to their attitudes towards homosexuals.

There are currently three cases involving assaults on gay men which cannot be discussed inasmuch as they are now either being investigated or are working their way through the court system.

It is remarkable to point out that none of the situations discussed above pertain to lesbians. Such instances do occur, but, particularly in this area, are rarely reported. Being a female victim has its own burden -- being a lesbian victim would be a double whammy. Most of the cases involving lesbians that do come to our attention involve women who have been "found out"and are being harassed by husbands and, frequently, by employers. They seldom stay in the area long enough to follow through on a complaint.

THE RESPONSE TO ANTI-GAY VIOLENCE:

Some of the response to anti-gay violence in our area has been mentioned in the above material. Within the district court level of our judicial system, especially, there are judges who are, indeed, by their own statements from the bench, insnesitive and often openly hostile to gay individuals who come before them. On the Superior Court level, we generally find judges who are more willing to allow each case to be decided on its own merit.

The only victim service agency in our area is the Rape Task Force. While they are dedicated people, and are sympathetic to our concerns, they readily admit that they have neither the training nor resources to deal with assaults on gay men. Social Service agencies in the community are generally helpful to victims when called upon, providing we can connect with certain individuals within the agency who have the understanding and the willingness to deal with the situation. Because most of the helping professions now have tasks forces within their professional organizations that deal with gay and lesbian concerns, we find that they have a high level of awareness. Some of the clerical (or intake) people, however, are ill-informed, unaware, and sometimes crudely insensitive.

Our biggest problem in dealing with anti-gay violence, however, comes from local law enforcement agencies. Despite the fact that I am often an outspoken critic of the Wilmington Police Department in particular, I do have considerable respect for our police officers. I realize, however, that they come from the community which they serve, and they bring with them both the best and the worst attitudes of that community. Those particular officers who know a gay person on a personal level seem to treat gay vicitims with the same courtesy as they would anyone else. Those particular officers who come to the police force with a bigoted viewpoint will be either disinterested or outright hostile to a gay victim. Some upper level officers have a textbook knowledge of gay people, but little understanding of the issues which gay people confront. Many have the misconception that the gay community "polices itself," and many believe that crimes against gays are perpetrated by other gays, so why get involved. Few understand that a gay man who is attacked while leaving a gay bar has more to lose if he reports the crime than does his assailant. It is exceptional when such crimes are reported to the police. Any subsequent arrest and prosecution of his attacker could result in loss of family relationship and loss of job for himself. As long as our state has a law which says that a person's private, adult sexual activity is a felony, then gay men and women are going to be distrustful of those who are charged with upholding that law. Not only will gay people continue to refuse to report crimes on thier own person, neither will they be willing to assist police officer in the resolution of crimes against others -- as we have noted in some of the murder investigations here in Wilmington. On the top level, we have a very fine man as Chief of Police who, by the structure of position,must concentrate more on politics than on performance. By and large answerable to the City Council, he must be ever aware of the political climate that elected them -- a climate that too often is contolled by religious influence that finds homosexuality incompatible with their belief. Complaints about abusive or negligent officers are made to the Chief of Police, who then "investigates" the complaint, and then routinely finds that "no inappropriate behavior on the part of the officer is indicated." In other words, the police department investigates itself and finds nothing wrong. Complaints are dispatched with a form letter. It is certainly not a situation which inspires faith in the authority of the police.

RECOMMENDATIONS:

1.) Elimination of "crime-against-nature" and "sodomy" laws. The fact that anyone is only rarely convicted of these crimes today should be sufficient reason to justify deleting them from our criminal code as antiquated. It is unlikely that these laws ever prevented anyone from being gay or lesbian. Other statutes (first and second-degree sexual offense and public sex laws) are more easily enforced and can carry stiffer penalties. Such laws -- as is indicated in the above material -- are more likely to be a hindrance to public safety than a help.

2.) Approval of federal legislation aimed at protecting civil rights of people on the basis of "affectional preference" or"sexual orientation." Such legislation would work down on a local level to empower our local Human Relations Commission to investigate complaints, make borad-based community

community recommendations toward understanding and alleviating such discrimination, and could provide a "buffer zone" between individual victims and complainants and various governmental agencies such as the local police department. (Our Human Relations Commission is empowered only to act in areas specified by federal legislation.)

3.) Wilmington, N. C. (with a metropolitan population of 112,000), is a fast-growing community with a very large summertime tourist population. It is unlikely that a police laison to the gay community could be justified. However, it is equally unjustifiable that local police agencies have no gay awareness training for police officers (especially in view of the high turn-over rate among entry-level officers). Such training programs need to be developed so as to incorporate participation from local gay and lesbian individuals. Beyond that, even small police departments have one individual who is a community laison, and that individual should receive some training in matters dealing with the gay community and should be encourage to openly and visibly communicate with that community.

Submitted by:

Leo J. Teachout
Director of Programs

enc.

P. S. I am taking the liberty of enclosing a cassette tape of messages that have been left on The Gay and Lesbian Switchboard of Wilmington's answering machine. Naturally, negative attitudes are more likely to be expressed than are positive attitudes. However, I believe this will provide you -- as it has us -- with a realistic window of homophobia.

APPENDIX 2

Boston City Council

David Scondras
District 8
725-4225

September 18, 1986

Representative John Conyers
Chairman, Criminal Justice Subcommittee
House Annex II
Washington, DC 20515

Dear Representative Conyers,

Kevin Berrill of the National Gay and Lesbian Task Force informed me that you are accepting testimony concerning anti-gay violence for hearings later this month.

Unfortunately, anti-gay violence is all too timely a topic here in Boston. Attacks, both verbal and physical, definitely seem to be on the increase. This summer we have seen a number of murders and brutal assaults against gay men and transexuals. (See enclosed news clippings.) While such violence has always been with us, I believe the recent increase could be related to AIDS hysteria and the Supreme Court's decision to allow gay sex to be criminalized.

I routinely hear from friends and constituents of harassment in the workplace, much of it regarding AIDS. My office recently handled a case in whcih a young man was being threatened with eviction unless he submitted to an HTLV-III test. This man knew enough to protect his rights against this sort of illegal practice, but I fear many others are being harassed and intimidated out of housing or jobs by similar tactics.

Similarly, verbal taunts and threats directed at men perceived to be gay are increasing. A gay candidate for State Senate had calls to his office saying, "I hope you all die of AIDS," and was warned anonymously that he should leave events in a different car from the one he arrived in (implicitly threatening a car bombing).

But the most frightening phenomenon has been the series of gay men and transexuals murdered and visciously attacked. One dedicated volunteer on my last campaign was beaten by a gang of youths in an outdoor cruising area last month. He spent two weeks in intensive care, still cannot walk or speak (his jaw was broken in several places), and has lost one eye. Others

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have been stabbed, mutilated, and apparently murdered because they are gay. At least one transexual was found drowned in the Charles River six weeks ago. Authorities seem willing to have the death be considered suicide but word on the street was that it was clearly a homocide.

Response by local law enforcement and criminal justice authorities has been spotty at best. I have monthly meetings with Boston's Police Commissioner Francis Roache and believe that his concern is genuine. Three weeks ago he assigned two undercover detectives to go with me and two members of my staff into the bushes of a popular night time cruising area to talk with people about the increase in violence. We not only talked with dozens of people who told the same stories of gangs of youths terrorizing gay men, but the detectives actually apprehended a sixteen year old kid carrying an eight inch knife through a secluded area-- he claimed the knife was to protect himself "from the fags."

Not all police response has been so professional, however. This spring a transexual person had her purse snatched and called the police. Upon arriving, the officers, instead of assisting her as a robbery victim, taunted her and took her into protective custody.

In the jail cell the officers continued to speculate as to her sex and finally decided to satisfy their curiousity by violently pinning her to the floor and stripping her. She subsequently sought medical treatment for an injured foot and a foot long cut on her arm. Although she was held for the better part of a day, she was never charged with anything.

In another incident, a transexual was called "maricon," ("faggot" in Spanish), treated abusively, and denied access to public records she needed to verify information required for public assistance. Because a member of my staff was present, her complaint was heard and the officer was reprimanded. Nonetheless, she reports officers on the street still harass her because she dared to complain.

This sort of police behavior creates a severe credibility problem in the gay and transexual communities. Again and agian I hear of people not reporting violence, or doing so inaccurately so as to diguise the nature of the attack, not only to avoid job, housing, or family difficulties, but also because they are afraid of the police response.

I have three suggestions on ways to combat anti-gay violence.

First, laws branding gay people, transexuals, or people with AIDS second-class citizens must be abolished and full civil rights protections inacted. Justice cannot be realized while social apartheid is tolerated or encouraged.

Second, police departments and criminal justice agencies must conduct aggressive affirmative action outreach efforts to insure that openly gay and lesbian people are hired. I am convinced that if we could have openly gay or lesbian officers patroling heavily gay and lesbian areas of the city we could go far in establishing the trust and community cooperation key to crime prevention.

And third, violence against gay and lesbian people should be vigorously prosecuted as a violation of those peoples' civil rights. When we tolerate violence against a person because of race or sex or sexual preference we invite violence against an entire class of people. When a gay man is knifed because he is gay, or a lesbian raped because she is a lesbian, we need to recognize that the attack is not simply directed against the individual.

Thank you for your concern and work around anti-gay violence. The groups and individuals to whom I have sent copies of this letter might be of use to the committee; if you would like more information about any of them, or if I can be of further help, please feel free to contact me.

Yours truly,

David Scondras

cc Kevin Berrill, National Gay and Lesbian Task Force
Ralph Chella, Boston Ramrod
Nancy Grantham, Gay and Lesbian Counseling Services
Ed Hougen, The Guide
Will Hutchinson, Boston Lesbian and Gay Poltical Alliance
Dede Ketover, StreetSafe
Ann Maguire, Mayor's Gay and Lesbian Liaison
Fred Mandel, Boston Human Rights Commission
Francis Roache, Boston Police Commissioner
Candace Van Auken, Bay Windows
Kim Westheimer, Gay Community News

APPENDIX 3

MOHR

Michigan Organization for Human Rights

17520 Woodward Avenue • Detroit, Michigan 48203 • 313 / 869 6647

September 22, 1986

Tom Hutchinson
Subcommittee on Criminal Justice
Room 336 House Annex 2
Washington, D.C. 20515

Dear Mr. Hutchinson:

Per your instructions, enclosed is material we wish to be officially entered into the proceedings for the record during the hearings on anti-Gay violence to be held Thursday September 25.

As the statewide Gay rights group in Michigan, we hear of many stories of anti-Gay violence, ranging from phone ha~~r~~rassment to robberies to murder. In addition we believe that the total number of incidents is on the increase as a result of some amount of hysteria over the AIDS epidemic.

If we had known about your hearings earlier, we would have liked to send one of our people to the hearing in D.C. We have files with newspaper clippings of anti-Gay violence and we have people who have personally had to deal with violence against them.

In my own case, my partner and I suffered through a month of harrassment during the summer of 1981 in a working class neighborhood of Columbus Ohio. Several teen-aged youths made crank calls, made verbal threats, burglarized our home twice, and finally set our trash cans on fire. Repeated calls to the police resulted only in a week long incarceration for one of the youths and advice to us that we move, which we did.

Enclosed are a half dozen clippings from the Kalamazoo area dealing with the murder trial of three young men who brutally murdered an area Gay man last year. Despite the brutality of the crime and much evidence, the resulting acquittal of one man and hand-slapping of the other two proved that justice for Gay people is tenuous at best.

We would like to receive a copy of the proceedings and we hope that the hearings will bring about not only understanding of the enormous problem of anti-Gay violence but action to improve the situation.

Sincerely,

Craig S. Covey
Executive Director

CSC/sw

Encl

APPENDIX 4

NCASA NATIONAL COALITION AGAINST SEXUAL ASSAULT

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Amherst, MA

September 23, 1986

Representative Conyers , Chairperson
Criminal Justice Subcommittee
House Annex II
Washington, D.C. 20515

Dear Representative Conyers,

First, I would like to express my appreciation on behalf of the Lesbian Caucus of the National Coalition Against Sexual Assault for the time that the Criminal Justice Subcommittee is providing on September 25, 1986 to gather testimony on anti-gay and lesbian violence.

Secondly, I would like to acknowledge the serious reporting to rape crisis centers throughout the country that speaks of womens experience of the violence of sexual assault because she was perceived to be or is a known lesbian. Often times these women will not report to law enforcement or any other traditional service agencies because many service providers maintain the myths and stereotypes of the society as a whole concerning lesbianism. Unfortunately, the legal personnel has been known to express the blantant and sublte signs of the oppression of homophobia - from the Greek word " homos " meaining the same or similar or alike, and "phobes" meaning fear or flight. Homophobia is generally interpreted as the fear of , hatred of or aversion to homosexuals, their sexual practices, lifestyles and beliefs, or to such feelings or ideas within oneslef.

A victim that I counseled told me she knew the men who gang raped her, even though during the assault they were wearing masks. She recognized their voices. They also were store owners in the town she lived in. They raped her and while doing so called her names like " dyke" , butch bitch" and they told her they were glad they were giving her what she deserved. She was raped and beaten and when I encouraged her to speak with the police she said she couldn't. She was afraid because she knew these men were very powerful in town and because they would socialize with the police and she felt that their bonding would endanger her.

Another young woman I supported was a freshmen in college and she was having questions about her sexuality. She had dinner with a group of friends and she shared with them that she was going through a difficult time because she felt that she might be a lesbian and she feared that her family would disown her. One male friend later that night came to her room and raped her. He told her that he hoped she enjoyed his forced sex and that maybe now she would see she wasn't a dyke. I accompanied her to the hospital . When asked if she was on birth control she responded "no". The doctor told her that she was foolish - " you look like an intelligent young woman, you should know enough to use the pill". She told them she wasn't sexually involved with any men and that she might even be a lesbian. The nurse joined the doctor in an expression of horror and I witnessed a negative cahnge in their response to this young vicitm of rape. She had planned to go to the police but after the reaction in the hospital she decided she could not continue to be assaulted - especially by the very systems that were supposed to be there to help her.

It is therefore easy to understand why a lesbian will not use the criminal justice system :

- lack of sensitivity
- intrusive and offensive questioning that has nothing to do with the assault
- demonstrated history of homophobia
- fear that friends and family , who are not aware of her lifestyle may withdraw their love and support for her
- fear of losing her children because she is a lesbian
- fear of losing her job or negative reactions and/or harassment from co-workers if it comes out in the trial that she is a lesbian
- the reality that rapists in this country are rarely convicted and the way women have been treated in court

Our organization, The National Coalition Against Sexual Assault,works closely with other victim support organizations throughout the country. We have effectively worked with local, state and national legislators to effect change in our judicial response to victim/survivors. We commit ourselves to seeing the crime of sexual assault addressed nationally. We work year round in education that empowers children and women to break the silence of this violence and to seek services through rape crisis centers and other services for vicitm/survivors . We want to insure that any woman, man and child that experiences this violence will be treated with dignity and respect regardless of lifestyle, race, culture, class, age, sexual preference , occupation, physical or mental abilities.

Together, the National Coalition Against Sexual Assault, the Gay/Lesbian Community and the Criminal Justice System can make an impact. We can develop more arenas for communication. The establishment of in-service trainings bringing together vicitm assistance programs, gay and lesbian support providers and criminal justice personnel that develop more effective sensitivity awareness education . We can address the violence of homophobia and we can demonstrate in all levels of national leadership a sensitiviy for gays and lesbians that speaks out against this violence and targeting rather than promotion of it . Out work together can break the silence of thousands of lesbian victims and at the same time touch all men and women who have been victims of rape to name this hideous crime.

Please listen to the voices , the pain, the energy and commitment that exists in our country. Through you abilities - work to confront gay/lesbian violence and intolerance. I look forward to working with you in any way possible to effect change . Thank you for you serious consideration in this issue.

Respectfully,

Kathleen O'Neill Alexander

Kathleen O'Neill Alexander
Chair of the Lesbian Caucus of the National Coalition Against Sexual Assault
Wilder Hall
University of Massachusetts, Amherst 01003

APPENDIX 5

State of Wisconsin
Governor's Council on Lesbian and Gay Issues

September 22, 1986

The Hon. John Conyers, Chairman
Criminal Justice Subcommitte
House Annex II
Washington, D.C. 20515

Dear Rep. Conyers and other members of the Criminal Justice Subcommittee:

It is my privilege to provide you with some information on the subject of violence against gay men and lesbians in America, specifically in my own state of Wisconsin. I am doing this at the direction of the Governor's Council on Lesbian and Gay Issues, a body in existence since April 1983 when it was created through Executive Order by Governor Anthony Earl.

You may be aware that Wisconsin is still the only state in the United States which forbids discrimination against gay men and lesbians in the areas of employment, housing and public accommodations. Even with such progressive laws on the books, anti-gay violence still exists. The AIDS health crisis has made such violence more prevalent due to ignorance and fear of the disease.

The Governor's Council on Lesbian and Gay Issues, which I serve as staff, was responsible for distributing a survey aimed at determining the scope and types of anti-gay and lesbian violence in Wisconsin. The survey was conducted between July 1983 and January 1985. A copy of the Final Report is attached for your convenience. The questionnaire was designed by the National Gay and Lesbian Task Force; the results of the Wisconsin survey were compiled by Sue Burke, a founding member of the Governor's Council on Lesbian and Gay Issues.

This survey has been extremely helpful in the work of the Council. An active body, made up totally of volunteers appointed by the Governor, they have made a practice of traveling to cities across the state to hold "community meetings." Law enforcement officials are always invited to these gatherings, and a good number have attended. Such face-to-face encounters have certainly aided the ongoing dialogue, but, more importantly, they have also resulted in the Council's direct involvement in sensitivity training sessions for law enforcement officials on the local level.

Having the protections that we do in Wisconsin makes it easier for gay men and lesbians to report violence and harassment to the police. Such protection on the national level would certainly help lessen the number of instances of such violence against gay men and lesbians. However, the law alone would not be sufficient. Increased penalties for crimes motivated by bigotry

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608-266-1212

are necessary. Such a proposal could certainly help other minority communities as much as it would gay men and lesbians.

In closing, I would encourage you all as elected officials to heed the efforts of the National Gay and Lesbian Task Force as they attempt to document the widespread and increasing problem of anti-gay and lesbian violence. It is an important issue, affecting a large number of men and women across the country.

Thank you for holding this hearing. I hope to be kept apprised of whatever results from the information given you, both verbally and in writing. Best wishes.

Sincerely,

Earl Bricker

Earl Bricker
Governor's Liaison
Council on Lesbian and Gay Issues

2244 S. Kinnickinnic Avenue
Milwaukee, Wisconsin 53207
(414) 482-2339 home
(414) 444-9803 work

September 18, 1986

Representative John Conyers, Chairman
Subcommittee on Criminal Justice
House Annex II
Washington, DC 29515

Dear Representative Conyers,

You will soon receive information from Earl Bricker of Wisconsin, the Governor's liaison to the lesbian and gay community, about a survey that was conducted in this state on violence and harassment against gays and lesbians. I conducted that survey in 1983 and 1984 as a member of the Governor's Council on Lesbian and Gay Issues.

While the survey results speak for themselves, I was surprised as I compiled the surveys to learn that more than two-thirds of the respondents were afraid for their safety and almost nine out of ten expected to be assaulted or harassed in the future. I did not expect to find that level of fear.

While the survey was being conducted, three of the twelve members of the Governor's Council were physically asaulted. Cindi Lampman of Racine was raped at knifepoint in the basement of her church, where she worked as the janitor, by a man who called her "the Governor's dyke." She was dissatisfied with the police response to the assault, and the attacker was never caught. Darla Kashian, another member of the council, and I were attacked in a Milwaukee bar on a Saturday evening by a man who accidently entered the bar, not knowing its patrons were lesbians, and decided to throw a few punches on his way out. Police responded quickly with six squad cars and were conscientious, but the attacker was never caught.

The results of our survey were similar to the results of a nationwide survey conducted at the same time by the National Gay and Lesbian Task Force, suggesting that gays and lesbians across the country share the danger and fear I found in Wisconsin. I was helped in my survey work by Kevin Berrill, director of the National Gay and Lesbian Task Force's Violence Project. I am sure he will be sharing the results of his work with your committee, and I recommend him to you as a careful and dedicated professional.

I am not able to attend your committee hearing later this month, but if I can be of any service to your committee, please do not hesitate to contact me.

Sincerely,

Sue Burke

State of Wisconsin
Office of the Governor

Anthony S. Earl

GOVERNOR'S COUNCIL ON LESBIAN AND GAY ISSUES

VIOLENCE SURVEY FINAL REPORT

This is a tally of the 213 surveys received as of January 20, 1985. Thirty of these surveys had been sent by the National Gay Task Force. The remainder were received by the Governor's Office. Totals for each question do not necessarily equal 213 because respondents sometimes skipped questions or did not follow instructions. Percentages have been calculated for the responses to some questions, and the responses for selected questions have been broken down by sex and place of residence. Overall, 89 respondents were from men living in the Milwaukee area; 26 were from women in the Milwaukee area; 49 were from upstate men; and 49 were from upstate women. There is no question #6. The surveys are available for examination.

DEMOGRAPHIC INFORMATION

I live in:
102 Milwaukee
13 Milwaukee suburb
4 Rhinelander
1 Sussex
1 Oconomowoc
1 Pittsville
4 Appleton
10 Racine
50 Madison
1 Sturdevant
3 Stevens Point
1 Wautoma
1 Menomonee Falls
1 Fitchburg
1 Oshkosh
1 Larsen
1 Miladore
2 LaValle
2 Kenosha
1 Wisconsin Rapids
1 Milton
1 Waukesha County
1 Reedsburg
1 Rural Sparta
1 Beloit
2 Portage
1 Eagle River
1 Hubertus
1 Belleview
1 Lannon
1 South Wayne

Age:
9 Under 20
89 20 - 29
83 30 - 39
20 40 - 49
7 50 - 59

Sex:
136 Male (64%)
75 Famale (36%)

Race/National origin:
5 Afro-American (Black)
2 Hispanic
199 Caucasian
3 Asian
0 Other

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Sexual orientation:
- 153 Exclusively homosexual
- 48 Predominantly homosexual
- 4 Equally homosexual and heterosexual
- 1 Predominantly heterosexual
- 2 Exclusively heterosexual

Relationship status:
- 97 Single
- 73 Living with partner/lover
- 36 Have partner/lover but not living together
- 1 Married

How many years has it been since you first came out to at least one other person?
- 6 Not out
- 74 1 - 5 years
- 60 6 - 10 years
- 35 11 - 15 years
- 15 16 - 20 years
- 8 21 - 30 years
- 1 40 years

1. Have you ever been called "faggot," "dyke," "sissy," "manhater," "queer," or other anti-gay/lesbian words by a straight person or persons?
   - 175 Yes (83%) Of that number, 39 (80%) were upstate women, 40 (81%) were upstate men, 75 (84%) were Milwaukee men, and 21 (81%) were Milwaukee women.
     - 11 Once
     - 112 More than once
     - 51 Many times
   - 36 No (17%)

2. Have you ever been threatened with physical violence by one or more straight person(s) because of your sexual orientation?
   - 99 Yes (47%) 14 (28%) were upstate women, 23 (47%) were upstate men, 53 (60%) were Milwaukee men, and 9 (35%) were Milwaukee women.
     - 35 Once
     - 54 More than once
     - 4 Many times
   - 111 No (53%)

3. Have straight people ever done any of the following to you because of your sexual orientation?

   Thrown objects at you:
   - 45 Yes (21%)
     - 11 Once
     - 26 More than once
     - 2 Many times
   - 165 No (78%)

   Chased or followed you (either on foot or by car):
   - 78 Yes (37%)
     - 21 Once
     - 33 More than once
     - 2 Many times
   - 131 No (63%)

Spit at you:
- 26 Yes (13%)
  - 10 Once
  - 8 More than once
  - 1 Many times
- 180 No (87%)

Punched, hit, kicked, or beat you:
- 48 Yes (23%) 6 (12%) were upstate women, 12 (24%) were upstate men, 29 (32%) were Milwaukee men, and 1 (4%) was a Milwaukee woman.
  - 24 Once
  - 17 More than once
  - 3 Many times
- 161 No (77%)

Assaulted or wounded you with a weapon (gun, knife, baseball bat, bottles, etc.):
- 21 Yes (10%)
  - 9 Once
  - 4 More than once
  - 1 Many times
- 189 No (90%)

Committed arson or vandalsim against your property:
- 41 Yes (20%)
  - 14 Once
  - 26 More than once
  - 0 Many times
- 166 No (80%)

4. Have you ever been sexually harassed or assaulted by straight people because of your sexual orientation?
   - 63 Yes (30%) 13 (26%) upstate women, 13 (26%) upstate men, 29 (32%) Milwaukee men, 8 (31%) Milwaukee women.
     - 12 Once
     - 33 More than once
     - 10 Many times
   - 144 No (70%)

5. If you have been the victim of harassment, threats or violence in any of the above contexts, did you report any incidents to the police?
   - 28 Yes (14%) 3 (6%) upstate women, 8 (16%) upstate men, 15 (17%) Milwaukee men, 2 (8%) Milwaukee women.
   - 99 No (50%)
   - 71 Not applicable (36%)

5A. If you did not report an incident to the police, please circle "Yes" or "No" for each possible reason listed below:

a) You believe the police are unsympathetic or hostile to gay/lesbian people.
- 68 Yes
- 23 No

b) You experienced indifference or hostility from the police when you reported anti-gay/lesbian incidents in the past.
- 24 Yes
- 55 No

c) You believe the criminal justice system will not investigate the incident and/or prosecute a straight perpetrator.
62 Yes
28 No

d) You fear the consequences of coming out as a gay/lesbian to the criminal justice system, family, friends, or employers if you report the crime and pursue the case.
51 Yes
39 No

e) You fear media coverage of the incident if you report it and pursue the case further.
33 Yes
51 No

f) You fear the perpetrator will further victimize you.
45 Yes
48 No

g) You don't want to continue thinking about or dealing with the incident.
46 Yes
41 No

h) You don't believe the incident is serious enough to report to the police.
45 Yes
47 No

i) Other: 11 responses
"Harassment sometimes hard to prove."
"Police did it."
"Police perpetrated the violence."
"Only incident was by the police."
"Afraid to get a 'file' on me."
"These were junior high/high school incidents."
"Blacks and Black gays are discriminated against in Milwaukee."
"I honestly did not consider it a viable option."
"I don't believe these incidents are at the express control of the police."
"I don't think they could or would do much about it."
"I won the fight."

5B. If you did report one or more anti-lesbian/gay incidents to the police, please evaluate their overall response. ,
11 Courteous/helpful
21 Indifferent
5 Hostile
0 Physically abusive
12 Incompetent
1 Other:
"One officer helpful, one hostile, one neutral"

7. Have you ever been harassed, threatened with violence or physically attacked by the police because of your sexual orientation?
   49 Yes (24%) 5 (10%) upstate women, 6 (12%) upstate men, 33 (37%) Milwaukee men, 5 (19%) Milwaukee women.
      27 Once
      14 More than once
      2 Many times
   156 No (76%)

8. Do you know other gay/lesbian individuals who have been harassed, threatened with violence or physically attacked because of their sexual orientation?
   168 Yes (85%) 40 (82%) upstate women, 42 (86%) upstate men, 67 (75%) Milwaukee men, 19 (73%) Milwaukee women.
   30 No (15%)

9. Have you ever been taunted or harassed by members of your family because they suspected or knew you were lesbian/gay?

Father:	28 Yes (14%)	176 No (86%)
Mother:	20 Yes (10%)	185 No (90%)
Sister(s):	23 Yes (12%)	165 No (88%)
Brother(s):	32 Yes (17%)	158 No (83%)
Other relatives:	25 Yes (13%)	165 No (87%)

10. Have you ever been the victim of physical violence (punched, kicked, spit at, etc.,) by family members because they suspected or new you were gay/lesbian?

Father:	11 Yes (5%)	197 No (95%)
Mother:	2 Yes (1%)	201 No (99%)
Sister(s):	2 Yes (1%)	185 No (99%)
Brother(s):	7 Yes (4%)	193 No (96%)
Other relatives:	3 Yes (2%)	193 No (98%)

11. Were you ever harassed, threatened or physically attacked in high school or junior high school because you were perceived to be gay or lesbian?
   79 Yes (38%)
   128 No (62%)

12. Would you say that anti-gay/lesbian violence is prevalent enough to cause you to fear for your safety as a gay man/lesbian?
   145 Yes (70%) 36 (73%) upstate women, 34 (69%) upstate men, 53 (60%) Milwaukee men, 22 (85%) Milwaukee women.
   60 No (30%)

13. Would you say that you have modified your behavior because of anti-gay/lesbian violence (for example, have you taken a self-defense course, stopped walking with a lover or a friend who is identifiably gay/lesbian, avoided certain gay/lesbian locations as neighborhoods, bars, etc.)?
   112 Yes (54%) 31 (63%) upstate women, 24 (49%) upstate men, 42 (47%) Milwaukee men, 15 (58%) Milwaukee women.
   97 No (46%)

14. Do you believe it is likely that you may be/could be the subject of anti-gay/lesbian harassment, threats of violence or physical attack at some time in the future?
   182 Yes (88%) 45 (92%) upstate women, 40 (82%) upstate men, 73 (82%) Milwaukee men, 24 (92%) Milwaukee women.
   26 No (12%)

15. Please write additional comments or concerns below.
71 respondents wrote comments. These comments are excerpted or summarized below.

16. Optional: Please provide the following information (name, address, telephone) so that we may contact you.
93 gave this information.

COMMENTS:

I fear for my safety but try not to let it ruin my life.

Milwaukee has severe police harassment problem.

At my size I'm more worried about a gang attack.

Am cautious and alert (to) escape options of accosted.

Parents disowned me - father threatened life - changed my name and moved to different state.

Psychological treatment suggested at college for lesbianism (in early 70's).

Witch hunt at work.

Going to and from bars is still very threatening.

If my lover and I walked hand-in-hand at the country fair all kinds of things would happen.

I am a teacher with Milwaukee Public Schools who leads a comfortable gay life personally and professionally.

Discrimination and verbal abuse from members of professional organization to which I belong.

Sister may have taunted with "queer" because it was a "fad word."

My family has gone so far as to refuse any financial support for my further education.... Where am I and other "gay orphans" to turn?

I included incidents in high school.

I was so frightened of my orientation and what it might do to my life that I attempted suicide...simply because [I was] not "born to breed."

I strongly object to the loading of some of the forced responses [of these questions].

I've been very lucky [not to have been harassed or attacked] and...I probably won't always be so lucky.

I now carry a knife or mace.

[It will be] the next generation before anti-gay/lesbian sentiment is noticeably diminished.

Three of us were ticketed and fined [for] walking across the street. Pure harassment.

I often times believe the only reason I haven't been harassed very often is my imposing stature (6"2", 175#) and good physical build.

Until prevailing social climate is changed gay people will be an oppressed minority.

More work on public education is needed especially in junior high schools regarding the gay life style. Our work has just begun.

It is emotionally unhealthy to have to live in secretive ways as a gay person; but to preserve job, business, and safety, one must.

I was beat up in the old Factory bathroom... by... 3 or 4 men... only a tooth broke and mild concussion. NGTF hotline helpful.

Too much fear at this time [to give name]. Please understand.

Although I have only been out 8 months, I have seen much fear and hatred from the straight world.

I can't let others, even close friends, know I'm gay.

After a friend was found dead, her lover and I were arrested on trumped up charges. Sheriff knew she was a lesbian. Our cases are still pending.

I have modified my behavior but not to the extent that I try to hide my sexual preference. It's an important part of me; it's what keeps me going.

I think I am much more concerned about harassment and possible harm done to me becuase I am a woman, although I recognize this danger may be increased because I am a lesbian.

I am a woman and am quite often called "sir" by one of my supervisors, quite often derogatory jokes about gays... am a state employee.

Members of the Governor's Council on Lesbian and Gay Issues have themselves been threatened with murder and raped... a very chilling fact.

I ran for local office recently, openly lesbian, my posters were defaced... obscene phone calls... but... less controversial than I expected (and I won).

I intend to take some kind of self-defence course.

I'd like to see the results of this survey to see if my fears are founded on fact or paranoia.

AB 70 is a token without enforcement [by the police].

Survey is a great idea.

Society in general.

The police are the worst offenders.

Police [make] the "gay rights state"... a joke.

My friend Thomas Buckley was murdered.

Police... cause most of my concern. [Milwaukee bar owner]

Alternative family and comparable worth legislation needed.

Educational system needs much change. [former teacher]

[Violence] more prevalent in larger cities.

The only time we get coverage is when someone dies of AIDS. [Appleton]

Police Officer (name given) called me a dyke and a queer as he beat me.

Although I have not been... target, I know others who have been.

Things could get strange at work if found out.

The more serious the crime, the more professional the Milwaukee Police efforts. [former bar manager]

At my job I have recently come out... and many other gays are following. Freedom at last. Relief!

I believe that violence grows from ignorance.... Homophobes... fear their true feelings about possibly being gay themselves.

I feel very fortunate to have had a very positive "coming out."

A friend and myself went to the aid of a gay man in the neighborhood who was being beaten by a gang of youths who were calling him faggot, sissy, etc.

I do not pretend to be straight, but I do use some discretion in public places.

I am an open gay leader whose name appears in print and face on TV. Being that open makes me an easy target.

I have not suffered from harassment, etc.,... but I am concerned [it] is possible.

[At school] I think the term faggot was applied to quiet, introverted boys who weren't much interested in athletics.

I would like to be contacted for statements.

Arrested in bookstore.

[People harass me by making] disparaging remarks in my presence when people are aware or suspect I am gay.

No question [is on survey] concerning harassment by gays of straights... a serious problem... the gay was quite threatening....

I am not very "out" [which helps] my escaping some verbal and possible physical abuse.

Concerned about harassment/violence primarily because of poor location of bars.
Around [Milwaukee bar] many, many cars are vandalized... for a time, a watch committee was organized... Police protection is limited.
Brier is a bad figurehead for Milwaukee Police.
Many people I know have experienced verbal abuse if they appear deviant to other weirdos (haircut, earring) -- abuse not just directed at gays.
Not being able to live a gay lifestyle openly is harassment.
Being gay involves a constant calculation of risks.

APPENDIX 6

Thomas J. Coleman, Jr.
Attorney and Counselor
900 Lovett Blvd., Suite 206
Houston, Texas 77006
(713) 520-8060

Mr. Chairman and members of the Subcommittee:

My name is Thomas J. Coleman Jr. I am an attorney liscensed to practice and have practiced law in the States of Louisiana and Texas, and have worked and resided in Houston, Texas since 1981. Additionally, as a gay person, and noting the pressing need for human rights as well as common human decency for gay people, I have been active in the Houston Gay Political Caucus (HGPC) since 1982 and was Vice-President of that organization in 1985. I was President of the Texas Human Rights Foundation (THRF) from 1983 to 1985 and was its fulltime Executive Director from 1985 to 1986. THRF is a non-profit public litigating foundation chartered to fight legally sanctioned discrimination against gay men and lesbians.

Part of my work with these organizations has involved dealing with anti-gay violence in Texas and particularly in Houston. I also have persnal experience with such expressions of homophobia. At this year's Gay Pride Rally here in Houston, on June 29, 1986, I was verbally assaulted by a group of young gay bashers while parking my car. Later, upon leaving the Rally, I discovered that my tires had been slashed, apparently by the gay bashers.

There is no question in my mind, based upon personal experience as well as numerous reports of anti-gay violence I have taken at HGPC and THRF, that this problem is serious and one that needs to be addressed at the federal level. Moreover, it is a problem that is increasing in severity. I am sure that you already know, Mr. Chairman, that any group that suffers from irrational prejudice, which then seeks to redress this injury, will endure the sort of reactionary backlash that the Rev. Martin Luther King called "redemptive suffering."

Certainly this is true in Houston. Not only do gays in Houston suffer from the sort of abuse that has been documented by NGLTF and other gay human rights organizations, this sort of indignity actually enjoys a sort of quasi-official sanction from some Houston business leaders, just as racism did in the not too distant past.

As I indicated earlier, the struggle for human rights, whether against racism, anti-Semitism or homophobia, has historically brought on a reactionary response. In Houston, this officially sanctioned bigotry clearly manifested itself during 1984-1985, during a referendum on employment protection for gay men and lesians and municipal elections which soon followed.

During the summer of 1984, Houston City Council passed ordinance amendments prohibiting discrimination in city employment on the basis of sexual orientation. Prior to the passage of these ordinances, gay city employees had no legally enforceable mechanism to redress employment discrimination. City Council passed these amendments despite the presence of a howling mob of approximately 400 persons, outside it's chamber, which was led by the local Ku Klux Klan.

Sadly, local reactionary elements quickly came together to oppose those human rights amendments. Harris County (Houston) Republican Chairman Russ Mather needlessly politicized the issue by dredging up the long discarded myth that "gays recruit." A local bank president, also active in the Republican Party, paid for a misleading and sensational newspaper advertisement, urging people to call those persons on City Council who voted for the amendments. Given the amount of ignorance and prejudice which exists against gay people, it is not surprising that those who supported the amendments were subjected to what Houston City Councilmember Eleanor Tinsley called "a sad and dangerous outpouring of hatred. I have never heard such venom."

Most disturbing, however, was the decision of the Executive Committee of the Houston Chamber of Commerce to oppose the non-discrimination amendments. As the Wall Street Journal reported on January 17, 1985: "Other cities - Miami, New York and San Francisco, to name a few - have been splintered over similar measures in the past. But rarely has local corporate leadership taken so large a role in these controversies." Despite denials of bigotry on the part of the Chamber - which ranged from clumsy to sanctimonious - it spent almost a quarter of a million dollars on what Texas Monthly Magazine called an "antigay frenzy", with mailers as well as television, radio and newspaper advertisements openly and crudely attacking Houston's gay community. The treasurer of this antigay hate campaign was Robert S. Braden, presently Chairman of the Houston Chamber of Commerce.

Due to this dishonesty and irresponsibility on the part of those who should be excercising leadership in a forthright manner, it is not surprising that the referendum lost by a large margin in January, 1985.

Later, in a letter dated Febuary 18, 1986, Houston Chronicle President and Chamber of Commerce Executive Committee member Richard J.V. Johnson wrote that, "The only issue at stake " in the referendum "was 'do we wish to createsafe havens for loosely defined minorities?' My (Mr. Johnson's) answer is still a strong no."

When the president of the largest circulation newspaper in Houston (the Chronicle) goes on record to say that city should not be a safe place for gay men and lesbians, it should come as no surprise that acts of violence against us continue unabated, and even increase.

Later in 1985, Houston Chamber of Commerce President Louie Welch resigned to run for Mayor of Houston on a viciously antigay platform. On October 24, 1985, Mr. Welch announced a four point plan to "deal" with Acquired Immune Deficiency Syndrome. "One of them, " he said, was "to shoot the queers."

Mr. Welch said later that he was joking. Mr. Johnson's paper the Houston Chronicle, then endorsed Welch for mayor, with no editorial comment on Welch's "shoot the queers" statement.

Unfortunately, those who have suffered from acts of antigay violence find it difficult to see the humor in Louie Welch's remarks and difficult to ignore them; too many have been assaulted, maimed and killed for that.

The problem is clear enough - it is as clear as the problem of racism was in the 1960's and anti-semitism in the 1930's and 1940's. So, too the solutions are equally clear. One is extension of the Civil Rights Act of 1964 to protect gay men and lesbians, especially in employment. These amendments are presently pending in Congress. I am sure the Houston Chronicle would object editorially, just as it objected to legal protection for other minorities in 1964. But violence against gays will never end until those gays who already work at places like the Houston Chronicle, from the newstand to the city room, can "come out", educate their co-workers (maybe even people like Mr. Johnson) and the public, and overcome the ignorance and prejudice once and for all without the fear of losing a job well done. I know some of these people myself, and there is no question about the fear, the ignorance, the hatred and the silence.

Until this problem is addressed with sufficient urgency at the federal level, as have other types of violence and discrimination, we in localities like Houston will, I'm afraid, simply be unable to deal effectively with the type of officially sanctioned abuse described here, as well as the violence described by others who have appeared before you.

Thomas J. Coleman Jr.

Thomas J. Coleman Jr.

APPENDIX 7

GLAD

1 October 1986

Representative John Conyers, Chairman
Criminal Justice Subcommittee
House Annex II
Washington, D.C. 20515

Dear Representative Conyers:

Thank you for the opportunity to present written testimony on anti-lesbian and gay violence to the Subcommittee on Criminal Justice. These hearings are an important step in the process of increasing society's awareness of the extent of the problem of anti-gay violence.

I am the Executive Director of Gay and Lesbian Advocates and Defenders/Park Square Advocates, Inc. (GLAD), a public interest legal foundation, based in Boston, which has been doing litigation and educational work on lesbian and gay civil rights issues since 1978. GLAD's civil rights work is multi-faceted: we provide direct representation and amicus briefs in civil rights cases; work with the media; present workshops and speak to organizations in the gay community, the legal community and to the public at large; publish a newsletter; serve as an informational clearinghouse; and help people find attorneys with experience or understanding of gay related issues. Because of our advocacy work, many reports of anti-gay violence come to my office.

It is difficult to measure the extent of anti-gay harassment and violence because much, if not most, of it goes unreported, even within the gay community. I am constantly surprised by how much harassment and violence I hear anecdotally, from people I would have expected to report it both within the community and to the authorities. The lack of reporting occurs for a complicated variety of reasons: fears - and in some cases prior personal experience - about how the police and/or the courts will treat the complainent; fears about the repercussions of potential publicity such as employment and housing discrimination or custody problems; in situations where only verbal harassment and/or intimidation have taken place many people believe that the situation is not serious enough or will not be considered serious enough to warrant the attention of the authorities.

Fears of police and court responses are frequently justified

PARK SQUARE ADVOCATES, INC. GAY & LESBIAN ADVOCATES & DEFENDERS
Post Office Box 218, Boston, MA 02112 617/426-1350

as police often do not take the gay/lesbian complainent seriously. Three weeks ago I spoke with a man who had been attacked on the block where he lived. A neighbor called the police, who responded immediately and arrived while the assailant was still harassing the victim. While the victim was bleeding, from being punched in the face, the police ignored him and asked the assailant if he was all right, then gave the victim a run around when he wanted to file charges. That scenario is representative of many that I have heard in my two years in this job. Two other common themes are the police arresting or taking down to the station the complainent rather than the attacker, or the police simply telling the attacker to get out of the area but refusing to make an arrest.

Fears of the repercussions of publicity also prevent many victims of anti-gay crime from coming forward. While passage of local civil rights ordinances which protect lesbians and gay men in the cities of Boston and Cambridge have helped a great deal, they do not go nearly far enough. People who live or work outside of these cities are not fully protected, and the scope of the ordinances is limited. For example, custody law, which is controlled by the state, is not covered, nor are immigration matters in which federal law controls. The potential price that a person may have to pay for making a complaint can be very high.

It is with some chagrin that I can speak personally to the third of the reasons for under-reporting, the sense that the harassment is not serious enough. This past summer there was a great deal of verbal harassment and violence against gay men in Provincetown, Mass., incidents of which I was well aware. While walking down a side street, outside the center of town, two friends, both of whom are also attorneys, and I were verbally harassed for several minutes by a kid who stopped his car alongside of us. We ignored him, and it was not until twenty minutes later that we even realized what had happened. Had the slurs been racial or religious, or had a client come to us with this story, we would have immediately seen its seriousness. There had been violence in the town; if there were fewer of us, or he had friends along, or if it were getting dark, or if we had appeared intimidated there might have been violence in this situation, too. Yet we discounted it and didn't even take down his license plate number; he went on his way more sure than ever that he could harass gay people with impunity.

Despite these reasons why anti-gay violence is generally unreported, I have only to look at my phone log and community newspapers for the past few months to find many reported examples. And I'm speaking here of specifically anti-gay violence, rather than violence and other crimes in which the victims just happen to be gay. The distinction is based on whether or not the victims are chosen as victims specifically because they are gay - whether the perpetrators are acting out their own hatred and fears about sexuality or are choosing gay people as victims because the criminals believe that the gay people won't go to the authorities or the authorities will not take any complaints seriously.

Over the summer at least three gay men were murdered in the area; six incidents of gay bashing in which the victims required hospitalization were reported in the press, as well as over a dozen assaults that did not require hospitalization. Students at two area colleges reported a great deal of harassment; at the University of Massachusetts, Amherst there are dormitories where both students and staff at the school have told me it is not safe for openly lesbian or gay students to live.

This past summer saw a tremendous increase in the amount of violence against gay men in Provincetown, a resort town on Cape Cod with a large gay resident and visitor population. The police were largely unresponsive to the problem. The trouble in Provincetown seems to be clearly linked to AIDS hysteria: uninformed fears about AIDS have made the extent of gay tourism a hot political issue in the town; the teenagers and young men who are perpetrating the violence are acting out their views and the town, and our greater society, condones their response. In Ogunquit, a Maine resort town which also has a substantial number of gay visitors, someone threw tear gas into a gay bar on a crowded weekend night during the summer.

In 1982-1983 the City of Boston did a year long study of the lesbian and gay community, titled The Boston Project. 6,000 questionnaires were distributed within the lesbian and gay community; there was nearly a 25% return rate so 1,500 people responded. Additionally, the Project held hearings on a variety of subjects of interest to the community, including Police and Community Relations.

Over half of the respondents (53%) believed they had experienced overt acts of discrimination because of their sexual orientation. These acts took a variety of forms, but 24% reported that they had been physically attacked in the City of Boston because they were lesbian or gay, 21% had been a victim of vandalism, robbery or arson because of their sexual orientation, and 3% had been sexually assaulted because of their orientation. More than one in ten (13%) felt that they had been discriminated against by the Boston Police Department, and a staggering 76%

stated that they had been the subject of verbal abuse because they were lesbian or gay.

The first, and most important recommendation that can be made for helping to curb anti-gay violence is to increase civil rights protections for lesbians and gay men. As was said above, local ordinances are a start, but they do not go far enough. What is needed is for state and federal civil rights protections to be expanded to include gay people, and reform of immigration laws so that lesbians and gay men who are not United States citizens can also feel free to use the criminal justice system without fear of collateral consequences.

Police and court personnel need to be informed about lesbian and gay people. This kind of training should be part of all police academy programs and also provided to all current officers as the police are really the front line people when incidents of harassment or violence occur. Victim witness program staff also need training and can be very helpful to people pursuing justice through the court system; in Massachusetts GLAD has done some work with the Mass. Office for Victim Assistance to sensitize people to gay and lesbian clients. Police Departments, particularly, as well as courts and other criminal justice programs should actively recruit openly lesbian and gay personnel; this would ensure a heightened level of awareness in the Departments as well as increase the community's sense that understanding and access were available to gay people.

8 Police review procedures which are accessible to the public and which are not window dressing commissions which always white-wash the actions of police officers are important in helping to make the police answerable to their community. A consistent problem in attempting to deal with police abuses in Boston is that the Department's Internal Review Board appears dedicated to exonerating all officers of any charges. Official liaisons to the lesbian and gay community can also help to facilitate appropriate access to the justice system. In Boston the Mayor has a liaison to the gay community, as does the Police Department.

All of the above suggestions have their primary effect after incidents have occurred; what is really necessary is prevention. Given that the bulk of anti-gay violence is perpetrated by teenagers and young men, the schools have a role to play. Curriculum that acknowledge the existence of gay people and our contributions to society are necessary, as are programs that focus on methods other than violence for dealing with conflict. And information about gay people should not be confined to health/sex education classes but should be mainstreamed throughout the curriculum.

Last year we had, in New England, a very clear example of how schools can foster divisiveness and an atmosphere that could lead to violence. A school teacher in Maine planned a program titled "Tolerance Day" which was to include speakers from a broad range of minority communities and was aimed at exposing students to the diversity of people in the real world. One of the scheduled speakers was a lesbian political activist; in a highly publicized case which ended up in Court, the principal, School Board, and Court refused to allow her to speak, giving the students a clear lesson that intolerance was OK, and that treating gay people differently was acceptable. When kids get this message over and over, in subtle and not very subtle ways, we should not be surprised that they sometimes act out on it. Add to this the message that police and courts will not stand in their way and it is no surprise that they will act out violently.

What is needed is a social consensus that lesbians and gay men are to have the same civil rights as everyone else; that lesbian and gay lives are as important as all other lives; and that our society, through its law making and law enforcement institutions, will not tolerate breaches of these rights. All of the above suggestions would help contribute to a climate where anti-gay harassment or violence was not acceptable; if this message were consistently given out and enforced, we would then see behaviors change.

Thank you again for the opportunity to provide testimony to this subcommittee.

Sincerely,

Kevin M. Cathcart, Esq.
Executive Director

KMC/ss

APPENDIX 8

STATEMENT OF

Martin P. Levine, Ph.D.
Assistant Professor of
Sociology, Bloomfield College

on behalf of

THE AMERICAN SOCIOLOGICAL ASSOCIATION

before the

UNITED STATES HOUSE OF REPRESENTATIVES
Committee on the Judiciary
Subcommittee on Criminal Justice

on the subject of

VIOLENCE AGAINST LESBIANS AND GAY MEN

October 9, 1986

The Honorable John Conyers, Chair

Mr. Chairman, members of the Subcommittee, I am Dr. Martin P. Levine, Assistant Professor of Sociology at Bloomfield College, New Jersey, where I am also the Coordinator of the Criminal Justice Program. I am also a member of the Task Force on Homosexuality and the Profession of The Society for the Study of Social Problems. As a sociologist, my areas of expertise include criminology and sexuality. I have thus conducted extensive research into criminological and sociological aspects of homosexuality. I am pleased to testify on behalf of the American Sociological Association's (ASA) 12,000 members on the subject of violence against lesbians and gay men. My testimony will spotlight three dimensions of this problem: (1) the source of anti-homosexual violence; (2) empirical research on homophobic aggression; and (3) the extent of lesbian and gay victimization.

Cultural Roots of Anti-Homosexual Violence

To sociologists, homophobia lies at the root of this problem. Social scientists use this term to describe anti-homosexual sentiments. As public opinion polls and social surveys repeatedly note, these feelings are fairly widespread in our society. As a result, many Americans regard lesbians and gay men with hostility and scorn. These feelings, in turn, have been incorporated into the program and practices of our key institutions. Our legislatures, schools, and churches consequently perpetuate and reinforce anti-homosexual sentiments, seriously reducing the life chances of homosexual persons.

We believe that homophobia fosters aggressive acts against lesbians and gay men. Having grown up in a culture encouraging hatred for homosexuality, many heterosexuals dislike homosexual persons. To express their contempt, some engage in acts of violence, routinely assaulting, maiming, and even murdering lesbians and gay men.

Criminologists call these acts secondary crimes. They regard them as such because they flow from the criminal penalties placed on erotic contact between persons of the same sex. These penalities are associated with the sodomy statutes and are in effect in nearly half of the states. Such sanctions make lesbians and gay men reluctant to seek legal remedies. Considered criminals in the eyes of the authorities, they perceive law enforcement officials as harassers rather than protectors. This reluctance, in turn, facilitates victimization. Without legal safeguards, homosexual persons are easy targets for homophobic violence.

Empirical Research on Anti-gay/lesbian Violence

The available information about homophobic violence comes from two sources, anecdotes and surveys. The anecdotal evidence records specific instances of victimization. It may be broken down into two types. The first involves cases recounted in general reports of homosexual life written by social scientists. In their overview of the worlds of lesbians and gay men, the authors of these studies frequently discussed instances of homophobic violence, usually an act of "gay bashing"--an assault upon a homosexual person by a band of youths. The following excerpt from Wainwright Churchill's book, Homosexual Behavior Among Males (Englewood Cliffs, N.J.: Prentice Hall, 1967), is typical of these accounts:

> One spring evening in April, 1961, a young man stood waiting for a trolley near his home in San Francisco. His name was William P. Hall. He was a teacher by profession. It may be imagined that the twenty-seven-year-old man was in good spirits as he stood alone waiting for the streetcar that was to take him to a dinner engagement with a friend. He might have been surprised to see a car carrying four young men come to a precipitous halt beside him. Three of the young stalwarts descended from the car and approached him directly. Since nothing about the teacher is reported to have been particularly distinctive, let alone eccentric, he must have been taken aback when one of the approaching gang called out bluntly to him, "Are you a queer?"
>
> However startled he may have been by this psychopathic question, the teacher's reply was more educative than anger-provoking.
>
> "What if I asked you that question?"
>
> These were among the very last words spoken by William Hall. The three young hoodlums stormed the defenseless man and proceeded to beat him into a state of unconsciousness. Apparently their fists could not inflict sufficient injury upon the victim to gratify their lustful hatred, for the police later reported that

> the investigation revealed that Hall had been struck in the head by some weapon resembling a blackjack (pp. 194-195).

The second source of anecdotal evidence involves listings kept by various lesbian and gay organizations. These listings recorded all incidents of homophobic violence reported to the groups. Victims themselves generally reported these incidents to the organizations, often using a hot-line set up for this purpose. These listings documented a wide array of violence, including threats, physical assaults, vandalism, arson, and homicide. A few of these incidents, which were reported to the National Gay and Lesbian Task Force (NGLTF) in 1985, are reproduced below:

> In Allentown, Pennsylvania, a gunman shot at a local gay bar, and three individuals required hospital medical treatment as a result.
>
> In Wilmington, North Carolina, a gay man seeking custody of his daughter received a death threat from a member of the White Patriot Party, an offshoot of the Klu Klux Klan.
>
> In San Francisco, three club-wielding attackers broke into the home of two gay men and assaulted them while shouting anti-gay epithets. When one of the victims cried out as he was being clubbed, the assailant yelled, "Scream all you want, mother----ing queer, scream all you want till I finish you off."

The listings also recorded a marked increase in anti-gay/lesbian violence. San Francisco's Community United Against Violence, for example, reported a 61 percent increase in cases between 1984 and 1985. For the New York City Gay and Lesbian Anti-Violence Project, the increase was 41 percent.

An AIDS-related upsurge in homophobia probably accounts for this increase, since many of the new incidents involve verbal references to AIDS or disease.

Although these accounts document instances of homophobic violence, isolated personal anecdotes tell us little about the scope of the problem. Since most cases of victimization were not reported to the organizations, the anecdotes do not measure the actual extent of violence. To do this, we would need systematic data collected from a broader spectrum of the lesbian and gay population. Unfortunately such data do not exist. No one to date has studied this issue at a national level using the techniques of systematic survey analysis. We can, however, obtain some insight into the problem from the existing survey data.

Survey Findings

These studies were conducted primarily on a local level by either social scientists, community groups, or governmental organizations. Social scientists generally asked one or two questions about victimization as part of a broader study of the psychological and sociological adjustment of homosexual persons. These questions usually asked if the respondents had ever been assaulted, harassed, or robbed because of their sexual orientation. The researchers, moreover, apparently added these questions as an afterthought. Of the five studies investigating violence, only one did a detailed examination of the replies.

The community and governmental surveys provide more detailed information. These studies were conducted by either local gay and lesbian political groups, governmental task forces on homosexuality, or civil rights commissions. The surveys were designed to measure various aspects of homophobic discrimination. As a result, they included a number of questions on victimization. A few, most notably those done by NGLTF and the Philadelphia Lesbian and Gay Task Force, focused exclusively on violence, asking about perpetrators, law enforcement responses, and type of victimization.

The picture emerging from these surveys is bleak, for this data reveals extensive homophobic violence throughout the nation. (At the state level, these studies were done in Maine, New Jersey, New York and Wisconsin; at the local level, Seattle, San Francisco, Los Angeles, Dallas, Denver, Chicago, St. Louis, Boston, New York, Atlanta.) The studies found fairly high rates of verbal and physical abuse among lesbians and gay men, with rates ranging from 75 to 86 percent for verbal abuse, and 10 to 26 percent for physical abuse. Verbal abuse denotes name calling, taunting, and threatening; physical abuse, assaults or beatings entailing hitting, punching, or kicking.

The studies also showed predictable sex differences in victimization. Surveys of the general population consistently record gender differentials in violence, with men far more likely to be physically assaulted, and women, sexually harassed and assaulted. Not surprisingly, these differences appear in the homophobic violence studies. The social science surveys, for example, found that physical abuse rates for men ranged from 8 to 26 percent; among women, 0 to 14 percent. The community and governmental studies, however, reported much higher rates of sexual harassment and assault among women. In NGLTF's 1984 survey, for instance, more than one-third of the women experienced this victimization. Among men, the rate fell to roughly one-quarter.

The surveys unfortunately tell us little about the nature of these assaults. Most studies did not ask these questions. The few that did focused on the weapons used. For information about these dynamics, we have only the work of the sociologists Joseph Harry, Brian Miller, and Laud Humphreys. Harry found that about one-quarter of his roughly 1500 gay male respondents had been beaten or assaulted by heterosexuals. He also found that gender role conformity and place of residence influenced the probability of being assaulted. Men who were effeminate, lived in gay neighborhoods, or had sex in public places (parks, men's rooms) experienced significantly more assaults than other homosexuals. Miller and Humphrey's work reveals similar findings. They found that men who practiced a highly covert homosexual life style were more likely to be murdered. Because these men were secretive about their sexuality, in fact many were married, they were more likely to have anonymous sex in public settings, thus increasing the probability of victimization.

Extent of Anti-gay/lesbian Violence

When taken together, these surveys indicate that homophobic violence is a significant problem for lesbians and gay men. These studies, however, do not tell us about the extent of victimization, largely because they sampled primarily at local levels and asked mainly noncomparable questions. We can, notwithstanding, compute an approximate measure through a secondary analysis of some of this data. (We can do this because all of the studies used non-representative field samples.)

In determining the overall extent of homophobic violence, we used questions measuring similar dimensions of physical and verbal abuse. We defined verbal abuse as name calling and spoken harassment, and physical abuse, as assaults and beatings. Due to the prevailing gender differences in victimization, we used only questions that differentiated between the sexes. The measure for verbal abuse is based on one question in two studies, with 1598 total respondents. The measure for physical abuse comes from one question in four studies, with 3446 total respondents.

To calculate these measures, we divided the number of respondents answering affirmatively to these questions by the total number of respondents in all the studies. The resulting percentages constitute victimization rates. We found that 88 percent of the men, and 76 percent of the women surveyed experienced verbal abuse. The corresponding rates for physical abuse are 23 and 10 percent.

Recommendations

Whatever the precise statistics may be, the testimony presented today clearly shows that acts of violence against lesbians and gay men are commonplace. Such victimization runs counter to long cherished American rights. As citizens of this country, homosexual persons deserve the same rights as other citizens. Hence they should be able to live their lives free from violence. To achieve this goal, we propose that measures to study and remedy this problem be enacted. In particular, we recommend that the Federal government encourage research on homophobic violence by providing funding to appropriate agencies such as the Department of Justice and National Institute of Mental Health. We specifically recommend research on:

1) the extent and nature of homophobic violence at the national level. We need to know the rates of victimization,

the characteristics of the assailants and offenders, and the nature of the criminal situation;

2) the effect of the sodomy statutes on anti-gay/lesbian violence. We need to know to what extent these laws prevent homosexual persons from availing themselves of legal protection, thus making them easy targets for victimization;

3) the motivation of the assailants. We need to know what factors prompt homophobic violence, particularly the rationals used by the victimizers;

4) the effects of anti-gay/lesbian violence on the victims. We need to know the degree to which the victims suffer physical, psychological, and social trauma.

APPENDIX 9

MAINE LESBIAN/GAY POLITICAL ALLIANCE

P.O. BOX 108
YARMOUTH, ME 04096

REPRESENTATIVE JOHN CONYERS AND OTHER HONORABLE MEMBERS OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE:

My name is Diane Elze and I am a resident of South Portland, Maine. I am submitting this statement on behalf of the Maine Lesbian/Gay Political Alliance, a statewide organization with a membership of 400.

We thank you for holding a public hearing on anti-gay violence and we also thank the National Gay and Lesbian Task Force for its efforts in bringing this problem to your attention.

In the last two years, violence against gay people in Maine has received attention from the media and the public as never before, largely due to two tragic incidents. You may already be aware that our state two years ago witnessed the murder of Charlie Howard, a young gay man thrown over a bridge in Bangor by three high school students. You may have already heard the testimony of Bob Gravel, a former resident of Lewiston, who last year fired a gun in self-defense when he believed his life to be gravely threatened. This followed months of escalating harassment and violent threats. A young man died.

Two lives, one gay and one heterosexual, needlessly wasted. The survivors still bear the emotional scars. The tragedy is not only that two people died and that the survivors still suffer. The tragedy is also that such an irrational hate towards a group of people exists. The tragedy is also that this hate is fueled by our society's institutions and leaders. The tragedy is that our young people continue to be taught that it is appropriate to hate, to disrespect, to devalue gay and lesbian people.

MAINE LESBIAN/GAY POLITICAL ALLIANCE

P.O. BOX 108
YARMOUTH, ME 04096

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In April 1985, the Maine Lesbian/Gay Political Alliance and the Maine Civil Liberties Union sponsored an extensive survey of Maine's gay and lesbian community on the problems of violence and discrimination. Since the information we were to gather was to be used in our educational and lobbying efforts for a state gay and lesbian civil rights bill, we wanted the survey to be above reproach, particularly the methodology. Thus, throughout the process we were assisted by social scientists from the University of Southern Maine and the University of Pennsylvania.

We conducted the survey because we, ourselves, needed more information on the extent to which violence and discrimination against gay men and lesbians is a problem in Maine. We also believed that many of our legislators would be concerned about the problem once they knew a problem did exist.

The results startled us. Like many people, we thought that violence against gay men and lesbians is primarily a problem plaguing large urban areas and that tragedies like Charlie Howard's and Bob Gravel's were exceptions in a rural state like Maine. However, as you will see from the survey results enclosed, 40% of the respondents experienced violence in Maine directed at them because of their sexual orientation. Of the 323 respondents, 38% reported being chased or followed, 26% had objects thrown at them, 20% had property vandalized, 16% were punched or beaten, 11% were spit at, and 9% were assaulted with an object or weapon.

In addition, since the establishment in Maine of a statewide gay and lesbian newspaper in 1983, Our Paper, specific instances of violence have come to the attention of the gay and lesbian community through the newspaper. Several severe beatings were reported in Our Paper, usually with the names of the victims deleted at their request.

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YARMOUTH, ME 04096

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In these incidents which came to the attention of Our Paper, only one victim of violence reported the assault to the police and was willing to press charges. The others expressed a fear of newspaper publicity, Not only did they fear the publication of their names and addresses, but some also feared the disclosure of their sexual orientation which could result in job and/or housing loss.

We recommend the following steps to help curb anti-gay harassment and violence:

1. The passage of gay and lesbian civil rights legislation on the federal and state levels. Victims of violence might be more willing to report assaults if they knew they had recourse should they experience discrimination if their lifestyle became known. In addition, we believe that whenever a class of people is denied basic civil rights protections, the message to our children is that the members of that class are of less value, are somehow less human, than other people. Our children learn that it is OK to hurt people who are members of that class. One only has to look at history to see that such attitudes towards Black people were rampant before civil rights protections were extended.

2. The develppment of elementary and secondary school curriculums which would teach children about human differences - religious, racial and ethnic, political, handicapped/nonhandicapped, homosexual/heterosexual - and how rich our society can be if we appreciate differences. Such a curriculum should be developed with the participation of parents and professionals.

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Just for a moment I would like to share with you the response of the Bangor School Department following Charlie Howard's death. The School Committee appointed two of its members to a Tolerance Subcommittee. It also issued a statement saying that "our public schools should foster differing ideas and reflect various values and lifestyles." In addition, the School Committee approved in-service programs for school staff to address prejudice, especially homophobic prejudice.

We would recommend similar in-service training for educators across the country.

3. Training of police officers and other criminal justice officials on gay and lesbian lifestyles, issues of concern to the gay and lesbian community, and ways the community and public officials can cooperate in addressing homophobic violence. Such training should be encouraged by the national associations to which the local and state officials are connected.
4. The passage of anti-bias crime bills which would provide for stiffer penalities for crimes motivated by bigotry and prejudice towards a class of people.
5. The governor of each state designating an office to which people can report bias crimes (e.g. homophobic assaults, vandalism of synagogues) so that statistics are kept on this particular type of crime. The Office of the Attorney General could be the designated state office.
6. The Supreme Court of the United States should reverse its recent decision in Bowers v. Hardwick, a decision which was contrary to every notion of right to privacy that the court ever formulated and upheld. Such an outrageous transgression of justice and democratic principles clearly fuels hatred of and disrespect for gay people.

MAINE LESBIAN/GAY POLITICAL ALLIANCE

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YARMOUTH, ME 04096

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Subcommittee on Criminal Justice

We thank you for this opportunity to submit our testimony. We again thank the members of the Subcommittee on Criminal Justice for holding these hearings. Should there be any further way we can help you gather information, please don't hesitate to call on us.

Appendix 10

To the Congress of the United States
House of Representatives
Washington, D.C. 20515

Before the Subcommittee on Criminal Justice
House Annex II

The Honorable John Conyers, Chair

Legislative History of the Seattle Malicious Harassment Ordinance

In July, 1983, Capitol Hill (Seattle, WA.) was rocked by a series of assaults on gay men in at least six incidences. Commonly known as "gay bashings" the worst assualt occured when approximately a dozen teenagers carrying a crowbar and clubs attacked a man, beating him senseless, and then forceably inserting the crowbar up his rectum. Fortunately, he fully recovered (physically), and several of the assailants were later convicted of felony assault.

State Representative Janice Niemi, D., Seattle, intervened in the matter as did Dorian Group President Jim Holm. Both confered with Seattle Police Chief Patrick Fitzsimons, and because of this Assistant Police Chief Noreen Skagan ordered increased patrols of the Broadway area of Capitol Hill, Seattle, WA.

These ongoing incidences prompted me to write a letter to each of our nine Seattle City Council members, and Seattle Mayor Charles Royer. Along with the letters I sent a then recent newspaper article, on the bashings from the Seattle P-I. In that letter I asked that they support introduction of a malicious harassment ordinance patterned after the Washington state felony malicious harassment statute (Revised Code of Washington, Title 9A, Chapter 36, Section 80), which would protect persons based upon their sexual orientation from immediate threats to their life, limb, or property. The response was almost immediate and all favorable, including Mayor Royer. In particular, letters from then Seattle City Councilman Jack N. Richards and then Seattle City Council President Jeanette Williams, August 5 and 24, 1983, respectively (see exibits), stated they were going to contact the City Attorney's office to seek advise on writing such an ordinance.

The following year, May 9, 1984, I recieved a telephone call from a Seattle news reporter asking me if I'd heard that Seattle City Councilman Sam Smith had just introduced an ordinance outlawing malicious harassment. Councilman Smith introduced it into a committee he chaired. At the May 9 hearing, Seattle City Councilman Jim Street (he defeated Jack N. Richards the previous fall) asked for and was granted a delay in consideration until May 23 to study the proposed ordinance and seek public testimony.

On May 23, after considerable Seattle media attention, the Council Chambers were virtually packed. The vast majority of the audiance was against the malicious harassment ordinance, and the vast majority of the opponents were self-acknowledged fundamentalist Christians, many of which weren't residents of Seattle. Also present were supporters Jim Holm, Nancy Welton of the Office of Women's Rights, a representative of the Seattle American Civil Liberties Union, and myself.

Jim Holm presented local survey results of gays, by the National Gay and Lesbian Task Force, which showed a large percentage of gay persons had either been threatened with violence or actually assaulted with or without a weapon.

Nancy Welton asked for additional classes of people, not covered by the state malicious harassment felony statute, be included besides sexual orientation.

In my testimony I urged the Seattle City Council to add specific exclusionary language making it clear that malicious harassment didn't include insulting, demeaning, or deprecatory language. Such exclusionary language is in the Washington state felony statute, and I felt would quiet critics claiming free speech and religion.

The representative from the Seattle ACLU spoke also about free speech considerations, and asked for more time to come up with such language, which Councilman Smith's committee was agreeable to.

The opposition was based primarily upon Biblical condemnation of homosexuality, that the proposed ordinance only protected the class of sexual orientation, and such an ordinance would impair a Christian's right to free speech and religious opinion.

I found considerable irony in the opposition's "religious" arguments against the ordinance. Apparently, they were unaware or chose to ignore that Christ was confronted with an incident of malicious harassment of an individual and, in effect, denounced and put a stop to it. In the Book of John 8:3-11, Revised Standard Version, it says:

> "The scribes and the Pharisees brought a woman who had been caught in adultry, and ...they said to him, 'Teacher, this woman has been caught in adultry. Now in the law Moses commanded us to stone such. What do you say about her?' ...he stood up and said to them, 'Let him who is without sin cast the first stone at her.' ...when they heard it they went away, one by one, ..., and Jesus was left alone with the woman standing before him. Jesus looked up and said to her, 'Woman, where are they? Has no one condemned you?' She said, 'No one, Lord.' And Jesus said, 'Neither do I condemn you; go, and do no sin again."

Their "stone throwing" was amazing! When gay men were being threatened and assaulted, and while women have been terrorized by the same men for years, where were these people? Did they picket, write letters to legislators and editors, or hold press conferences to denounce such activity and demand action? No! Instead, they've chosen to use the Bible as a political and social tract to persecute and humiliate gay people and women (see exibit, Seattle P-I, May 24, 1984).

Sam Smith's committee next met on June 7, 1984, and the ordinance was amended to include the classes of age, gender, marital status, parental status, and political ideology. Also, exclusionary language was added to protect it from judicial attack on free speech grounds. There was no further public testimony allowed, and the committee voted 3-0 to send the amended ordinance to the full City Council with a recommendation of "due pass."

On June 11, 1984, the Seattle City Council, with no discussion by members, voted 8-0 in favor of passage of the malicious harassment ordinance.

The morning of June 12, 1984, I recieved a phone call from Mayor Charles Royer's Appointments Secretary Cal Anderson who explained that because the Mayor's telephones were ringing off of their hooks with fundamentalists demanding Royer veto the ordinance he'd decided to sign it immediately, rather than have a bill signing ceremony after he returned from a business trip. I was in complete agreement with Mayor Royer's decision not to be swayed by a telephone referendum of a tiny vocal minority, much of which didn't reside within Seattle.

After the signing there was an attempt to seek a referendum on the November, 1984 ballot by obtaining at least 11,315 signatures of Seattle registered voters, by July 9, 1984. The petition effort failed for lack of sufficient signatures. The ordinance went into effect July 12, 1984 (see exibit).

Why are fundamentalists so uptight about this type of law? They claimed abridgement of their rights to freedom of speech and religion, but an exclusionary clause was added to make it clear only actual immediate threats to life, limb, or property would be grounds for arrest and conviction. They complained it only protected persons based upon sexual orientation; so, age, gender, marital status, parental status, and political ideology were added. But, they still sought a referendum to block it! Possibly the answer lies in a quote from authors Flo Conway and Jim Siegelman who co-wrote Holy Terror, published by Doubleday & Company, Incorporated, in 1982. They'd traveled 10,000 miles across America to talk with politicians, ministers, rabbis, priests, and laypersons to find out what fundamentalists were all about, and these are the conclusion they came to:

> "...we've looked to the movement's leaders for some sign of feeling, for a little love of their fellow man. We found none. ..., the fundamentalist right has no vision for America, not in its churches, not in its campaigns, not in the politics of its men who now run our government. In place of real vision, the movement offers only myths: a mythical view of America's past and purpose; a supernatural claim that they have been empowered to act for God; a preposterous insistance that common good means nothing more than unquestionable obedience."

The Federal Malicious Harassment Act of 1986

I'm proposing to this subcommittee the Federal Malicious Harassment Act of 1986, patterned after Washington state's felony malicious harassment statute and Seattle's malicious harassment ordinance. Specifically, such federal legislation should make crossing of state or territorial lines to willfully commit malicious harassment a felony. It should be illegal for any person or persons to cross state or territorial lines either physically, electronically, telephonic, telegraphic, or through the United States Postal Service to immediately, in the future, or conditionally threaten the life, limb, or property of any second or third party because of their age, ancestory, color, creed, marital status, parental status, political ideology, race, religion, sex, sexual orientation, or physical, mental, or sensory handicap, whether real or percieved. Persons convicted should be subject to imprisonment up to five years, and a fine of up to $10,000. However, if any person is actually assaulted or their property vandalized or destroyed then the defendant(s) should be sentenced up to ten years, and fined up to $20,000. Further, such federal legislation should include federal remedies for punitive damages against each defendant, per conviction.

Possible Federal Statutory Alternative

Title 18, of the United States Code, Section 242 says, in part: "[W]hoever, under color of law...willfully subjects any inhabitant of any State, Territory, or District to the deprevation of any rights...secured or protected by the Constitution or laws of the United States...on account of such inhabitant being an alien, or by reason of his color, or race...shall be fined...or imprisoned..." This subcommittee might consider amending 18 USC 242 to include the classes of age, creed, marital status, parental status, political ideology, religion, sex, sexual orientation, or physical, mental, or sensory handicap. This federal statute is already in place, and would only need to be amended with additional protected classes of people.

Bowers vs. Hardwick (1986)

A corollary to the problem of violence against gay and lesbian people is the recent United States Supreme Court ruling in Bowers vs. Hardwick, June 30, 1986. A 5-4 majority of the Court ruled private, non-commercial sexual activity (oral/anal) between consenting adults of the same gender may be made illegal activity by the states and territories. In a footnote, the majority specifically excluded from their decision a ruling on married or unmarried couples of the opposite gender engaging in the same type of sexual activity even though such couples are also included under the Georgia sodomy statute at issue before the Court.

This ruling has created an enhanced sense of official sanctioning of the persecution and violence towards gay and lesbian persons regardless of whether or not their own jurisdiction has a sodomy statute. I would urge this subcommittee to consider a federal law that would deprive states and the District of Columbia of 100% of their federal highway and law enforcement assistance funds if, after two years of enactment, they have failed to repeal their respective adultry, fornication, and sodomy statutes, and establish a minimum age of sexual consent no older than 18. Such a federal statute should make it clear Congress isn't attempting to force repeal of any state's incest, prostitution, or pimping statutes.

This approach has been successful in establishing a national uniform maximum speed limit of 55 MPH, and a national uniform minimum drinking age of 21. It's my belief this approach would be just as successful in forcing states to repeal their adultry, fornication, and sodomy statutes (Washington state repealed theirs in 1976). Sodomy statutes are still in effect in the states of Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and the District of Columbia.

The population of these states, and D.C., total only 44% of the total population of the United States (1980 census data). That means 56% of the total U.S. population are residing in states without sodomy statutes.

Conclusion

There's a need for federal intervention in the area of inter-state violence and threats of violence against gay and lesbian people, and federal coercion of 24 states and the District of Columbia into repealing their adultry, fornication, and sodomy laws. These actions, and the amending of 18 USC 242, will make a positive and significant impact in reducing violence and legalized harassment and intimidation (sodomy laws) against those who love differently, or are percieved to.

Opponents will argue there are plenty of felony assault statutes on the state and federal books, and they're correct---as far as they go. However, the unique concept of malicious harassment laws is to provide a statutory means of arresting a harasser at the stage of written or oral threats, rather than law enforcement having to wait until an actual violent crime has occured. In other words, it's an opportunity to diffuse a potentially dangerous situation for the victim before it escalates into a violent crime.

In closing I'd like to paraphrase a passage from President John F. Kennedy's "Radio and Television Report to the American People on Civil Rights," delivered on June 11, 1963, from the Oval Office:

> "We preach freedom..., and we mean it, ..., but are we to say to the world, and much more importantly, to each other that this a land of the free except for those who are gay or lesbian; that we have no second-class citizens except those who are gay or lesbian, that we have no class or caste system, ..., no master race except with respect to those who are gay or lesbian?
>
> "Now the time has come for us to fulfill our promise."

I respectfully submit to this subcommittee, it's time for you to help fulfill this promise for all of America's sexual minorities.

Thank you for your time and consideration.

Author's Biography

Steven L. Kendall was born, raised and educated in the state of Washington, and is a resident of Seattle, WA. Mr. Kendall has a B.A. in political science from the University of Washington, and is presently enrolled at City University taking paralegal training.

Mr. Kendall is an elected precinct committeeperson of the 32nd District Democratic party, and President of Washington Citizens for Ration Handgun Controls,

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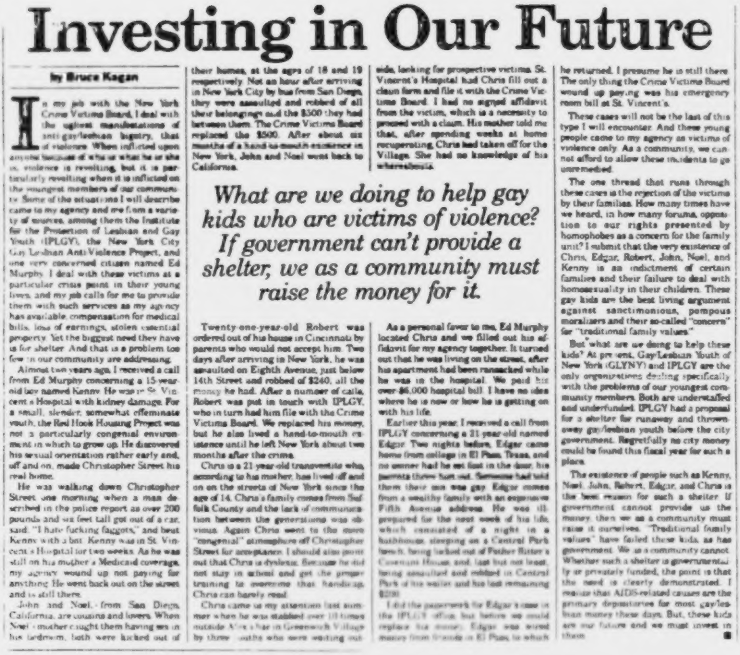
Incorporated, a pro-gun control organization with over 4,000 members and supporters across the state of Washington. He's an accomplished amateur writer who's had numerous letters and articles published in newspapers and magazines across the United States, including TIME and USA TODAY.

Signed: Steven L. Kendall
Steven L. Kendall
621 NW 44th Street
Seattle, WA. 98107
206/789-7165

Subscribed and sworn before me this 24th day of September, 1986.

Notary Public in and for the state of
Washington, residing at Seattle

APPENDIX 11



Investing in Our Future

by Bruce Kagan

In my job with the New York Crime Victims Board, I deal with the ugliest manifestations of anti-gay/lesbian bigotry, that of violence. When inflicted upon anyone because of who or what he or she is, violence is revolting, but it is particularly revolting when it is inflicted on the youngest members of our community. Some of the situations I will describe came to my agency and me from a variety of sources, among them the Institute for the Protection of Lesbian and Gay Youth (IPLGY), the New York City Gay/Lesbian Anti-Violence Project, and one very concerned citizen named Ed Murphy. I deal with these victims at a particular crisis point in their young lives, and my job calls for me to provide them with such services as my agency has available: compensation for medical bills, loss of earnings, stolen essential property. Yet the biggest need they have is for shelter. And that is a problem too few in our community are addressing.

Almost two years ago, I received a call from Ed Murphy concerning a 15-year-old boy named Kenny. He was in St. Vincent's Hospital with kidney damage. For a small, slender, somewhat effeminate youth, the Red Hook Housing Project was not a particularly congenial environment in which to grow up. He discovered his sexual orientation rather early and, off and on, made Christopher Street his real home.

He was walking down Christopher Street one morning when a man described in the police report as over 200 pounds and six feet tall got out of a car, said, "I hate fucking faggots," and beat Kenny with a bat. Kenny was in St. Vincent's Hospital for two weeks. As he was still on his mother's Medicaid coverage, my agency wound up not paying for anything. He went back out on the street and is still there.

John and Noel, from San Diego, California, are cousins and lovers. When Noel's mother caught them having sex in his bedroom, both were kicked out of their homes, at the ages of 18 and 19 respectively. Not an hour after arriving in New York City by bus from San Diego, they were assaulted and robbed of all their belongings and the $500 they had between them. The Crime Victims Board replaced the $500. After about six months of a hand-to-mouth existence in New York, John and Noel went back to California.

What are we doing to help gay kids who are victims of violence? If government can't provide a shelter, we as a community must raise the money for it.

Twenty-one-year-old Robert was ordered out of his house in Cincinnati by parents who would not accept him. Two days after arriving in New York, he was assaulted on Eighth Avenue, just below 14th Street and robbed of $240, all the money he had. After a number of calls, Robert was put in touch with IPLGY, who in turn had him file with the Crime Victims Board. We replaced his money, but he also lived a hand-to-mouth existence until he left New York about two months after the crime.

Chris is a 21-year-old transvestite who, according to his mother, has lived off and on on the streets of New York since the age of 14. Chris's family comes from Suffolk County and the lack of communication between the generations was obvious. Again Chris went to the more "congenial" atmosphere of Christopher Street for acceptance. I should also point out that Chris is dyslexic. Because he did not stay in school and get the proper training to overcome that handicap, Chris can barely read.

Chris came to my attention last summer when he was stabbed over 10 times outside Alex's bar in Greenwich Village by three youths who were waiting outside, looking for prospective victims. St. Vincent's Hospital had Chris fill out a claim form and file it with the Crime Victims Board. I had no signed affidavit from the victim, which is a necessity to proceed with a claim. His mother told me that, after spending weeks at home recuperating, Chris had taken off for the Village. She had no knowledge of his whereabouts.

As a personal favor to me, Ed Murphy located Chris and we filled out his affidavit for my agency together. It turned out that he was living on the street, after his apartment had been ransacked while he was in the hospital. We paid his over $6,000 hospital bill. I have no idea where he is now or how he is getting on with his life.

Earlier this year, I received a call from IPLGY concerning a 21-year-old named Edgar. Two nights before, Edgar came home from college in El Paso, Texas, and no sooner had he set foot in the door, his parents threw him out. Someone had told them their son was gay. Edgar comes from a wealthy family with an expensive Fifth Avenue address. He was ill-prepared for the next week of his life, which consisted of a night in a bathhouse, sleeping on a Central Park bench, being kicked out of Father Ritter's Covenant House, and, last but not least, being assaulted and robbed in Central Park of his wallet and his last remaining $200.

I did the paperwork for Edgar's case in the IPLGY office, but before we could replace his money, Edgar was wired money from friends in El Paso, to which he returned. I presume he is still there. The only thing the Crime Victims Board wound up paying was his emergency room bill at St. Vincent's.

These cases will not be the last of this type I will encounter. And these young people came to my agency as victims of violence only. As a community, we cannot afford to allow these incidents to go unremedied.

The one thread that runs through these cases is the rejection of the victims by their families. How many times have we heard, in how many forums, opposition to our rights presented by homophobes as a concern for the family unit? I submit that the very existence of Chris, Edgar, Robert, John, Noel, and Kenny is an indictment of certain families and their failure to deal with homosexuality in their children. These gay kids are the best living argument against sanctimonious, pompous moralizers and their so-called "concern" for "traditional family values."

But what are we doing to help these kids? At present, Gay/Lesbian Youth of New York (GLYNY) and IPLGY are the only organizations dealing specifically with the problems of our youngest community members. Both are understaffed and underfunded. IPLGY had a proposal for a shelter for runaway and thrown-away gay/lesbian youth before the city government. Regretfully no city money could be found this fiscal year for such a place.

The existence of people such as Kenny, Noel, John, Robert, Edgar, and Chris is the best reason for such a shelter. If government cannot provide us the money, then we as a community must raise it ourselves. "Traditional family values" have failed these kids, as has government. We as a community cannot. Whether such a shelter is governmentally or privately funded, the point is that the need is clearly demonstrated. I realize that AIDS-related causes are the primary depositories for most gay/lesbian money these days. But, these kids are our future and we must invest in them. ■

[New York Native/Sept. 15, 1986, p. 23]